

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1358 of 2020

- Mithun Kumar @ Prince S/o Sanjay Mandal Aged About 22 Years R/o Village Bhangaha, Police Station Falka, Tahsil Bhangaha, District Katihar Bihar.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Ambikapur, District-Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. J.K. Gupta, Advocate.
For State/respondent	: Mr. Adil Minhaj, Govt. Advocate.
For Objector	: Mr. Dashrath Kushwaha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/07/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.773/2019 registered at Police -Station-Ambikapur, District-Sarguja(C.G.) for the offence punishable under Sections 363, 366-A, 376 of IPC, Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made

out against the applicant. Infact, it is a case of affair between the applicant and the prosecutrix. When it was disclosed, false FIR has been lodged. The applicant is in jail since 29.12.2019, hence, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the date of birth of the prosecutrix is 1.6.2004, according to which she was of age below 16 years on the date of incident, and evidence is present that she was raped by the applicant. Therefore, looking to this evidence, the applicant is not entitled for grant of bail.
4. Complainant Shabana Firdoush along with the prosecutrix is present before this virtual Court through the "Help Desk" of the High Court of Chhattisgarh. They have serious objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, the applicant made acquaintance with the minor prosecutrix through "Facebook" and thereafter when they met, he took her to a lonely place on pretext of preparing a video of "Tik-Tok" application, where he forcefully had sexual intercourse with her without her consent.
7. Considered on the submissions and also the facts present in the case. The gravity of the allegation against the applicant is taken into consideration and also considering the objection raised by the objector that is the complainant side, I am not inclined to allow the bail application on merits.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.
9. However, on request made by the counsel for applicant, the trial Court is directed to expedite the trial in the case against the applicant and to decide it as soon as possible, after normal functioning of the Courts is started.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha