

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1774 of 2020**

- Akash Chandrakar son of Ashok, aged about 24 years, resident of village Bemcha, Police Station & Tahsil Mahasamund, District Mahasamund (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station - Mahasamund, District Mahasamund (C.G.)

---- Respondent

For Applicant.	:	Shri D.K. Vishwakarma, Advocate.
For Respondent.	:	Shri H.S. Ahluwalia, Dy. A.G.
For Objector	:	Shri Anil S. Pandey, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/07/2020**

1. The applicant has filed this third bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 15.08.2019 in connection with Crime No.339/2019 registered at Police Station : Mahasamund, District Mahasamund (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 6 of Protection of Children from Sexual Offences Act, 2012.
2. Earlier bail applications of the applicant were dismissed as withdrawn with liberty to renew the at an appropriate stage.
3. The allegation against the present applicant is that he abducted the prosecutrix and took her along with him on the false pretext of marriage and committed forcible sexual intercourse with her many times. Based on this, offence has been registered. The applicant has been taken into custody on 15.08.2019.
4. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. He further submits that it is a case of consent and the prosecutrix accompanied the applicant of her own. He also submits that according to radiologist report, the age of the prosecutrix is between 16-17 year. He also submits that the applicant is in jail since 15.08.2019 and there is no likelihood of his case being decided in near future, therefore, he may be released on bail.

5. On the other hand, learned State counsel opposes the bail application.
6. Shri Anil S. Pandey, learned counsel for the objector opposing the bail application submits that the applicant's party is still threatening the prosecutrix and her family members for dire consequences.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering that the prosecutrix appears to be minor, at this stage, I am not inclined to release him on bail.
9. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge