

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1614 of 2020**

- Nilkant Halba son of Dwarika Halba, aged about 21 years, R/o village Arajpuri, P.S. Mangchuwa, District Balod (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant. : Shri Shashank Thakur, Advocate.
For Respondent. : Shri Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/07/2020**

1. The applicant has filed this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 19.03.2019 in connection with Crime No.06/2019 registered at Police Station : Mangchuwa, District Balod (C.G.) for the offence punishable under Sections 363, 342, 376 IPC, Sections 4 and 6 of Protection of Children from Sexual Offences Act.
2. Vide order dated 12.12.2019, first bail application of the applicant has been dismissed as withdrawn with liberty to revive the same after examination of the material witnesses.
3. The allegation against the present applicant is that he committed sexual intercourse with the prosecutrix on the pretext of giving mobile phone. Based on this, offence has been registered. The applicant has been taken into custody

on 19.03.2019.

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 the applicant is in jail since 19.03.2019, the charge sheet has been filed, there is no likelihood of his case being decided in near future and, therefore, he may be released on bail.
5. On the other hand, State counsel opposes the bail application.
6. Complainant is also present in person before this Court via Video Conferencing and submits that the bail may not be granted to the applicant.
7. I have heard learned counsel for the parties and perused the record.
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