

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 375 of 2020**

- Khemraj S/o Khumandas Sonwani Aged About 21 Years
Residence Vinoba Bhawe Ward Mungeli, Tahsil And District
Mungeli Chhattisgarh,

---- Applicant

Versus

- State of Chhattisgarh Through Its Police Station Pulgaon,
District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Ravi Maheshwari, Advocate.
For Respondent/State : Mrs. Fouzia Mirza, AAG.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****22-06-2020**

Heard.

1. The applicant has preferred this bail application under Section 438 of Code of Criminal Procedure 1973 apprehending his arrest in connection with Crime No. 548 of 2019 registered at Police Station Pulgaon, District Durg (C.G.) for alleged commission of offence under Sections 376 and 420 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant committed rape on the prosecutrix, a minor girl less than 18 years age by misleading her.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated and even according to prosecutrix, she had affair with applicant's friend namely Chirag Banjare who died in the motor accident later on. The manner in which prosecutrix has narrated the story of the incident is highly improbable and appears to be a cock and bull story.

4. On the other hand, learned counsel for the State opposing the prayer for grant of anticipatory bail would submit that according to material collected by the Police, date of birth of the prosecutrix is 30-5-2002 and the incident is alleged to have taken place on 30-10-2019.

5. As per prosecution story and the manner in which she was cheated in the name of Chirag Banjare and the applicant committed sexual intercourse with prosecutrix, applicant is not entitled to be released on anticipatory bail.

6. Accordingly, the application being devoid of merit is liable to be and is hereby rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Raju