

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3197 of 2020

- Dinesh Banjare S/o Jawahar Banjare Aged About 24 Years R/o Ward No. 08, Behind Bijali Office, Abhanpur, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S. Abhanpur, District Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Dashrath Kushwaha, Advocate.

For Non-applicant/State – Shri Raveesh Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 02-07-2019 in connection with Crime No.115/2019 registered at Police Station – Abhanpur, Civil and Revenue District Raipur, Chhattisgarh for the offence under Section 363, 376, 506 of the IPC and Section 04 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The prosecutrix is not minor and she had been a consenting party. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix was only 12 years on the date of incident, therefore, gravity of the case is on the higher side. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age about 12 years and then has committed offence of rape with her.

6. Looking to the age of the prosecutrix and other facts and circumstances that are present in this case, I do not feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge