

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2973 of 2020**

- Chotu Lal @ Ajay S/o Shri Alekh Ram, aged about 24 years, R/o village Bhanwarpur, P.S. and Tahsil Basna, District Mahasamund (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer of the Police Station – Out Post Jutemill, P.S. Kotwali, District Raigarh (C.G.)

---- Respondent

For Applicant. : Shri Abhishek Saraf, Advocate.
For Respondent. : Shri Raghavendra Verma, G.A.

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

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 12.07.2019 in connection with Crime No.535/2019 registered at Police Station : Out Post Jutemill, P.S. Kotwali, District Raigarh (C.G.) for the offence punishable under Section 376 IPC and 6 of Protection of Children from Sexual Offences Act, 2012.
2. Earlier bail application of the applicant was dismissed as withdrawn with liberty to renew the same at an appropriate stage.
3. The allegation against the present applicant is that he committed sexual intercourse with the prosecutrix on the pretext of marriage as a result of which she became pregnant. Based on this, offence has been registered. The applicant has been taken into custody on 12.07.2019.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He

further submits that the prosecutrix lodged a report against the applicant after four months of her pregnancy which clearly shows that she was a consenting party to the act of the applicant. He also submits that the applicant is in jail since 12.07.2019, 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, learned State counsel opposes the bail application. Learned counsel for the State submits that at the time of incident, the prosecutrix was below 16 years of age.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge