

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3514 of 2020**

- Nutan Sinha son of Chaitram Sinha, aged about 20 years, R/o village Salhe, Police Station Dongergaon, District Rajnandgaon (C.G.)

---- Applicant**Versus**

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

---- Respondent

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For Applicant. : Shri Mukesh Shrivastava, Advocate.
 For Respondent. : Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/07/2020**

Heard.

Admit.

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 11.12.2018 in connection with Crime No.373/2018 registered at Police Station : Dongergaon, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366(A), 376 IPC, Section 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(V-A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Earlier bail application was dismissed as withdraw with liberty to revive the same after examination of the prosecutrix.
3. The allegation against the present applicant is that he committed sexual intercourse with the prosecutrix after kidnapping her despite knowing the fact that she is aged about 16 year and belongs to Scheduled Tribe category. Based on this, offence has been registered. The applicant

has been taken into custody on 11.12.2018.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the statements of the Prosecutrix recorded under Section 161 and 164 CrPC clearly shows that she has not uttered anything regarding her date of birth and except school register certificate there is nothing on record to connect the applicant with the crime in question. He also submits that the applicant is in jail since 11.12.2018, 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/mother of the prosecutrix has also opposed the bail application.
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