

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3340 of 2020**

Satish Das S/o Shri Sudhanidhi Das, Aged About 35 Years R/o PV-02,
Devpur, P S Pakhanjur, District North Bastar, Kanker Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through the SHO, Police Station Durgkondul, District
North Bastar, Kanker Chhattisgarh.

---- Respondent

For the Applicant : Shri Sandeep Shrivastava, Advocate.
For the Respondent/State : Shri Vimlesh Vajpayee, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.08.2020**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.4 of 2020, registered at Police Station – Durgkondul, District – North Bastar, Kanker, Chhattisgarh for the offence punishable under Sections 376, 506, 363, 366 and 496 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.2.2020 and has been falsely implicated in this case. According to the FIR and the statement of the prosecutrix, the date of incident is alleged to be 4.2.2020 whereas, the FIR has been lodged on 22.2.2020, therefore,

the delay raises doubt on the correctness of the FIR. The medical report also does not give any definite opinion, therefore, it is a concocted case. According to the statement given by the prosecutrix herself, the applicant had put vermilion on her hair which shows that the marriage was performed and thereafter, the physical relationship between them is consensual. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the statement of the prosecutrix given under Section 164 of the Cr.P.C., the minor prosecutrix aged about 17 years 9 months was deceitfully offered the lift and taken to the temple, where without her willingness and consent the applicant put vermilion and thereafter, by putting her under threat, he forcefully raped her, but this was not the end of the things. When the marriage of the prosecutrix was being negotiated, the applicant made appearance and played a role in terminating that negotiation. The statement also discloses about the subsequent threat given to the prosecutrix for withdrawing the case, therefore, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. As per the prosecution case, it is alleged that the prosecutrix was forcefully taken to the temple where the applicant put vermilion and also by use of force, he raped her regarding which, the FIR has been lodged.

6. Considered the submissions and also the statement under Section 164 of the Cr.P.C. and looking to the facts that are present in the case, I do not feel inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge