

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3985 of 2020**

- Sanjay Kaushik S/o Santosh Kaushik, aged about 19 years, R/o village Hathlewa, Out Post Bazar Charbhatha, Police Station Kawardha, District Kabirdham (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station - Kawardha, District Kabirdham (C.G.)

---- Respondent

For Applicant. : Shri Dharmesh Shrivastava, Advocate.
For Respondent. : Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31/08/2020**

1. Heard.
2. Admit.
3. 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 22.10.2020 in connection with Crime No.454/2019 registered at Police Station : Kawardha, Out Post Bazar Charbhatha, District Kabirdham (C.G.) for the offence punishable under Sections 450, 376, 506 IPC, Sections 4 and 6 of Protection of Children from Sexual Offences Act.
4. Vide order dated 28.02.2020, first bail application of the applicant has been dismissed as withdrawn with liberty to revive the same at appropriate state.
5. The allegation against the present applicant is that he committed sexual intercourse with the prosecutrix saying that he loves her and also threatened her for dire consequence if she discloses the

matter. The applicant repeated the act for 3-4 time as a result of which she became pregnant. Based on this, offence has been registered. The applicant has been taken into custody on 22.10.2019.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that it is a case of consent and the prosecutrix accompanied the applicant of her own. He also submits that the applicant is in jail since 22.10.2019, 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.
7. On the other hand, State counsel opposes the bail application. State counsel submits that the prosecutrix is minor aged 15 year.
8. Prosecutrix is also present in person before this Court via Video Conferencing with her father and submits that the bail may not be granted to the applicant.
9. I have heard learned counsel for the parties and perused the record.
10. 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.
11. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

**(Rajani Dubey)
Judge**