

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4084 of 2020

- Rajesh Mahilange, S/o. Late Parsadi Mahilange, Aged about 28 years, R/o. Birampur, Police Station Dadhi, District Bemetara CG

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Bemetara, district Bemetara CG

---- Respondent

For Applicant : Shri VivekSinghal, Advocate
For Respondent /State : Ms. Sunita Jain, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

19/08/2020

Heard on admission.

Admit.

The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses vide order dated 16.12.2019 in M.Cr.C. No. 6464/2019

This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 284/2018 registered at police station Bemetara, District Bemetara (CG) for the offence punishable under Sections 363,366(A) and 376 IPC and Sections 6 & 12 of the Protection of Children from Sexual Offences Act.

As per prosecution case, the applicant abducted the minor prosecutrix from her lawful guardianship and took her to different places, developed physical relations on the pretext of marriage.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the prosecutrix went with him of her own and in her statement under Section 164 Cr.P.C. she has stated that the applicant has married with her in a temple. He submits that the applicant is in jail since 08.08.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the nature of allegation against the applicant and that he abducted a minor girl from her lawful guardianship, I am not inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge