

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4617 of 2020**

- Pawan Nirala, S/o Dhansai Nirala, Aged About 20 Years R/o Village Durug, Chowki Beladula, Police Station Sarsewa, District Balodabazar - Bhatapara Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Sarsewa, District Balodabazar - Bhatapara Chhattisgarh

---- Respondent

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|---------------|---|--------------------------------|
| For Applicant | : | Shri Prasoon Agrawal, Advocate |
| For State     | : | Shri Ravish Verma, Govt. Adv.  |
| For Objector  | : | Shri R.V. Rajwade, Advocate    |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****18/09/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.35/2020 registered at Police Station – Sarsewa, District – Balodabazar – Bhatapara (C.G.) for alleged commission of offences under Section 366, 376 (2) and Section 4 of Prevention of Children from Sexual Offences Act, 2012.
2. Prosecution case is that the applicant abducted and committed rape on the prosecutrix stated to be minor in age.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. He neither abducted nor committed any sexual intercourse except helping her, as the prosecutrix was wandering around after running away from home. He further submits that the prosecutrix, in her statement under Section 164 CrPC, has clearly stated that the applicant never abducted her nor committed any sexual intercourse or anything with her. At this stage, therefore, it is prayed that as the applicant is in jail since 20/04/2020 and trial is not yet concluded nor likely to be

concluded early, he may be granted bail.

4. On the other hand, learned Govt. Adv. would argue that the allegations against the applicant are serious in nature and in the FIR and other statement, the allegations of commission of rape is there. He further submits that the material on record show that the prosecutrix was carrying pregnancy. Therefore, it is argued that it cannot be said that the prosecution case is without any basis.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the material with regard to pregnancy of the prosecutrix, I am not inclined to grant bail to the applicant. The application is, accordingly, rejected.

Sd/-  
( **Manindra Mohan Shrivastava** )  
**Judge**