

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4432 of 2020

- Deepak Uike, S/o Rajjan Uike, Aged About 21 Years, Caste Gond, R/o Village Sundarpur, P.S. and Post Samnapur, District Dindori, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh, Through P.S. Parpa, District Bastar, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Vikash Shrivastava, Advocate
Shri K. K. Singh, GA

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

15/09/2020

1. Notice was issued to the prosecutrix but she is not appearing.
2. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.01/2020, registered at Police Station Parpa, District Bastar (C.G.) for the offence punishable under Sections 363, 366 (A) & 376 of IPC and Section 6 of the POCSO Act.
3. The prosecutrix, aged less than 16 years, was abducted and taken to Village Bharratola, District Dindori (M.P.), where the applicant preformed forcible sexual intercourse.

4. It is argued that the prosecutrix recorded her statement under Section 164 of CrPC saying that she had accompanied the applicant and indulged into sexual intercourse on her own sweet will.
5. Learned State counsel would oppose the prayer for grant of bail.
6. Considering that the prosecutrix is less than 16 years of age, her willingness would not help the applicant. The fact remains that the applicant abducted the prosecutrix, who is less than 16 years of age. The offence being serious in nature, no case for grant of bail is made out.
7. Accordingly, the bail application is dismissed. However, the applicant would be at liberty to revive his prayer after examination of the prosecutrix.

Sd/-
Prashant Kumar Mishra
Judge