

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4581 of 2020

Ranjeet @ Bholu S/o Badri Gupta Aged About 26 Years R/o Roopnagar,
Dafai Charcha Colliery, Police Station Charcha, District Koriya
Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Charcha, District Koriya Chhattisgarh ---- **Respondent**

For Applicant	:	Mr. Anil Gulati, Advocate.
For Respondent/State	:	Mr. Alok Bakshi, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.136 of 2019 (wrongly mentioned as 139/2019 in the certified copy) registered at Police Station- Charcha, District Koriya (CG) for the alleged commission of offence under Section 376(2)(f) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Prosecution case is that the applicant committed rape on the prosecutrix when she was minor, which started from 25.12.2017 till FIR was lodged on 02.08.2019.
3. Learned counsel for the applicant would submit that the contents of written report and statement under Section 164 Cr.P.C. only show that the prosecutrix and the applicant had long standing affair and report has been lodged only to pressurise the applicant to solemnize marriage with the prosecutrix and therefore, false and afterthought allegation of sexual intercourse are being leveled against him. He would further submit that even according to prosecution papers, the prosecutrix attained the majority on

10.08.2017 and the FIR has been lodged after one year, therefore, this is a case of false implication. He would further submit that the allegation of sexual intercourse after 10.08.2018, even according to prosecutrix, was with her consent and therefore, merely, because marriage could not materialize, it cannot be said that any rape was committed on her. Lastly, it is submitted that the applicant is in jail since 02.12.2019 and trial has not been concluded nor likely to be concluded early, he may be granted bail.

4. On the other hand, learned counsel for the State opposes the prayer and submits that the contents of written report and 164 Cr.P.C. statement make out a prima facie case that the prosecutrix was being sexually exploited by the applicant while she was minor and even after she attained majority, time and again till filing of FIR.

5. Considering the submission of learned counsel for the parties and particularly contents of written report and statement under Section 164 Cr.P.C., present is not a fit case for grant of bail. The bail application is therefore rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha