

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5366 of 2020**

Anjor Das Koshle, S/o. Udal Das Koshle, aged about 29 years, R/o. Village-Khairjhiti, P.S.- Bemetara, District- Bemetara, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station- Bemetara, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.K. Yadav, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/10/2020**

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.70/2019, registered at Police Station – Bemetara, District – Bemetara (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 4 & 5 of the Protection of Children from Sexual Offences Act. The first bail application M.Cr.C. No. 3413/2019 of the applicant was dismissed as withdrawn vide order dated 03.07.2019 with liberty to revive the same after examination of the prosecutrix and the second bail application M.Cr.C. No.7363/2019 of the applicant was dismissed as withdrawn on 21.01.2020.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case

diary. False FIR has been lodged against the applicant on account of previous land dispute between the applicant side and the complainant side. The prosecutrix has given statements of different version, which makes her statement unreliable. The applicant is in jail since about two years and the trial is making no progress. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix in this case was of age only 12 years at the time of incident and she has remained consistent in her statement given to the police during the investigation making allegation of rape against this applicant, therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that on the date and time of incident, this applicant finding the minor prosecutrix in the field caught hold of her and then forcibly raped her regarding, which FIR has been lodged.
6. Considered on the submissions made. After considering on the submissions and the facts and circumstances of the case, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge