

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5953 of 2020**

- Tikeshwar Sahu S/o Shri Dharampal Sahu, Aged About 26 Years R/o Kholipara, Ward No. 2, Navapara, P.S. Gobra- Navapara, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Gobra- Navapara, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri J. K. Gupta, Advocate
For Respondent/State	:	Shri Sudeep Agrawal, Dy.AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/10/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.195/2020 registered at Police Station Gobra-Navapara, District Raipur for the offence punishable under Section 363, 366, 376, 342 & 506 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant kidnapped the prosecutrix and kept her in wrongful confinement for one month and committed rape on the prosecutrix.
3. Learned counsel for the applicant submitted that the allegations against the applicant are not only false, but also improbable. He submits that the applicant and the prosecutrix had an affair and later on, when the prosecutrix was forcefully taken away by the applicant, on their insistence, a concocted story was prepared and report lodged. He lastly submits that in this case, investigation is complete, charge sheet has been filed and the applicant is in jail

since 09-07-2020 and in the present situation, when the trial is not likely to be concluded early, the applicant may be granted bail.

4. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that as per documentary evidence submitted during investigation and the charge sheet, date of birth of the prosecutrix is 25-05-2004 as per school records, which makes it clear that on the date of incident, the prosecutrix was merely 16 years of age. It is also submitted that in the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., the prosecutrix has clearly stated that she was locked in a room for a period of one month by the applicant and during this period, the applicant committed rape on her.

5. Taking into consideration the material with regard to age of the prosecutrix and the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., the present case does not appear to be a fit case for grant of bail.

6. Accordingly, the bail application is rejected.

SD/-
(Manindra Mohan Shrivastava)
J U D G E