

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5933 of 2020**

- Raju Yadav S/o Jagdev Bargah Aged About 22 Years Occupation- Labour R/o Village Asola P.S. Kotwali Ambikapur District Surguja, Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through- S.H.O. Police Station- Kotwali Ambikapur, District Surguja, Chhattisgarh

---- **Respondent**

For Applicant	:	Shri Dev Ashish Biswas, Advocate
For Respondent/State	:	Shri Dinesh Tiwari, Dy.GA
For Objector/Informant	:	Shri Manoj Kumar Singh, counsel through Help Desk of District Legal Services Authority, Surguja at Ambikapur

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/10/2020**

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.348/2020 registered at Police Station Kotwali Ambikapur, District Surguja for the offence punishable under Section 363, 366, 376 of the IPC and Section 4 & 6 of the POCSO Act. The applicant was arrested on 01-07-2020.
2. Prosecution case is that the present applicant abducted the prosecutrix, who is minor in age and she was taken to jungle and there, she was subjected to rape by the applicant.
3. Learned counsel for the applicant would argue that the applicant has not committed any offence and he has been falsely implicated. He also submits that there is previous enmity regarding possession and title of agriculture land and therefore, at the instance of the relatives of the prosecutrix, the prosecutrix and her father falsely implicated the applicant. It is lastly submitted that at this stage, when investigation is complete, charge sheet has been filed and the applicant is in jail since 01-07-2020, he may be granted bail.

4. On the other hand, learned counsel for the State/non-applicant as well as learned counsel for the informant opposes the bail application by submitting that the statement of the prosecutrix recorded under Section 164 of Cr.P.C. before the Magistrate makes out a prima facie case against the applicant, because the prosecutrix has clearly stated that she was subjected to rape by the applicant.

5. Taking into consideration the submission of learned counsel for the parties, material disclosed in the case diary and particularly taking into consideration the gravity of allegation and the statement of the prosecutrix and also the fact that according to school register, date of birth of the prosecutrix is 03-01-2003, the present is not a fit case for grant of bail.

6. Accordingly, the bail application is rejected.

Certified copy as per rules.

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