

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6520 of 2020**

Rajesh Kumar Munda S/o Lalit Ram Munda, Aged About 18 Years R/o Kotba, Sukbasupara Ward No. 13, Nagar Panchayat Kotba, Police Station Bagbahar, District Jashpur (Chhattisgarh).

---- Applicant**Versus**

State Of Chhattisgarh Through - Station House Officer, Police Of Police Station - Bagbahar, District Jashpur (Chhattisgarh).

---- Respondent

For the Applicant : Shri Somkant Verma, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.11.2020**

Heard.

1. This is the first 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.101 of 2018, registered at Police Station – Bagbahar, District – Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since about two years and the trial against him has not made any progress. There had been an affair between the applicant and the prosecutrix, therefore, the physical relationship between them is consensual. Hence, it is

prayed that the applicant be enlarged on bail during the pendency of trial.

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 has clearly alleged against the applicant in her statement under Section 161 of the Cr.P.C. that the applicant has raped her without her willingness and consent. Therefore, no case is made out for grant of regular bail to the applicant.

4. Notices issued to the complainant have been returned served but there is no appearance or representation.

5. Heard counsel for both the parties and perused the case diary.

6. As per the prosecution case, the applicant was acquainted with the prosecutrix of age 15 years only. On the date of incident, the applicant by using influence took her to a dam and when the prosecutrix insisted to come back, the applicant again insisted her to go to his grandparents house. It is alleged that the applicant then forcefully raped the prosecutrix without her willingness and consent regarding which, the offences have been registered.

7. Considering the submissions and the facts present in this case, I am of the considered view that this is not a fit case to release the applicant on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi