

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6648 of 2020**

- Indalram S/o Ramgulal Markam Aged About 24 Years R/o Village Shakkarwara Rudri, District-Dhamtari, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Rudri, District-Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Patel and Mr. Dashrath Kushwaha, Advocate.
For State/respondent	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/11/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.32/2020 registered at Police-Station-Rudri, District-Dhamtari (C.G.) for the offence punishable under Sections 376 of IPC and Section 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. According to the FIR the incident has occurred on 29.9.1999 whereas the FIR was lodged on 8.6.2020 after delay of 9 months, which clearly shows that the relationship of applicant and prosecutrix was based on consent. The applicant is in jail since 9.6.2020 and there is likelihood of delay in trial,

hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that it is a clear case of exploitation of minor prosecutrix by a near relative. Applicant happens to be a cousin of the prosecutrix, who raped the prosecutrix twice. Later on, when the pregnancy of the prosecutrix was discovered, the FIR has been lodged, which explains the delay, hence, the application be rejected.
4. The complainant Rajkumar is present before this virtual Court through the "Help Desk" of DLSA, Dhamtari and he has made a statement that he has objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that the minor prosecutrix of age below 16 years had been to help in the household course in the house of the applicant when he raped her twice in inebriated condition. The prosecutrix then left the house and did not meet the applicant, however, she became pregnant. After discovery of her pregnancy, the FIR has been lodged.
7. Considered on the submissions and the facts of the case, I do not feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge