

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7834 of 2020**

Ramsingh Yadav, S/o. Dhanau Ram Yadav, aged about 19 years, R/o. Village Barda, Chowki Lawan, Police Station Kasdol, District Baloda Bazar Bhatapara (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station Kasdol, District Baloda Bazar Bhatapara (Chhattisgarh).

---- Respondent

For Applicant	: Mr. S.P. Verma, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/12/2020**

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.116/2020, registered at Police Station –Kasdol, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
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. The prosecutrix was willing and consenting party, which is reflected from her statement under Section 164 of Cr.P.C. The applicant is in jail since 20.02.2020. Therefore, it is prayed that the applicant may be released on regular 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 age of the prosecutrix on the date of incident had been only 13 years and one month and her date of birth is 19.11.2005. The prosecutrix was not having that level of maturity to understand the activities of the applicant and respond to the same as matured person, therefore, the applicant has no good case in his favour. Therefore, the application for grant of bail be rejected.
4. Complainant – Dhannu Ram Verma and prosecutrix both are present before this Court and they have 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. According to the prosecution case on 19.02.2020, the applicant abducted the minor prosecutrix of age below 13 years on the pretext of marrying her and had made physical relation with her, which amounts to commission of offence of rape.
7. Considering on the submissions and the facts present in this case, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged 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