

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6791 of 2019**

- Kapur Das Mahant S/o Lakhan Das Mahant, aged about 25 years, R/o Rekilal Matiya, outpost Hardibazar, presently residing at Darrakhancha, Police Station Kusmunda, Korba, District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police of Police Station – Ajak Korba, District Korba (C.G.)

---- Respondent

For Applicant. : Shri Anil Gulati, Advocate.
For Respondent. : Shri B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/01/2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 11.10.2018 in connection with Crime No.380/2018 registered at Police Station : Ajak Korba, District Korba (C.G.) for the offence punishable under Sections 376 (2) (n) IPC, Section 6 of Protection of Children from Sexual Offences Act and Section 3(2)(v) of the SC/ST Act.
2. The prosecution story, in brief, is that on 05.03.2018, the applicant went to the house of prosecutrix and established physical relation with her against her will and, thereafter, an assurance was given that he will perform marriage with her but subsequently he denied marrying with her. Based on this,

offence has been registered. The applicant has been taken into custody on 11.10.2018.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He also submits that the applicant is in jail since 11.10.2018, the charge sheet has been filed, there is no likelihood of his case being decided in near future and, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application. He also submits that the age of the prosecutrix is 15 years and he has well supported the prosecution case.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, and further considering that the prosecutrix appears to be minor and she has supported the prosecution case, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge