

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6913 of 2019**

- Tarandeep Singh Rajput @ Karan @ Raunak S/o Late Manjeet Singh Rajput, aged about 22 years, R/o Gourinagar Masjid Gali, Ward No.14, P.S. City Kotwali, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : O.P. - Chikhalli, P.S. - City Kotwali, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Shri Rakesh Kumar Thakur, Advocate
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****16/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.415/2019 registered at Police Station - City Kotwali, District Rajnandgaon (C.G.) for the offence punishable under Sections 342, 376(G) IPC and Sections 4 of POCSO Act.
2. The prosecution story, in brief, is that on 19.07.2019, the prosecutrix came to her aunt's house at Rajnandgaon but she did not find whereabouts of her aunt as the house was demolished. Thereafter, she came to Railway station to go back to her house, at the relevant time, present applicant along with co-accused persons Rakesh Deshraj and Rahul came there and she went along with co-accused Rakesh Deshraj to his house as she was acquaintance with him where all the accused persons committed sexual intercourse with her. Based on this, offence has been registered. The

present applicant has been taken into custody on 15.09.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the main accused is Rakesh Deshraj, who has already been granted bail by the Juvenile Board, and there is nothing incriminating against the present applicant in the FIR. The prosecutrix, in her 161 CrPC statement, has not stated anything against the present applicant. He also submits that the applicant is in custody since 15.09.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the prosecutrix is minor and, in her 164 CrPC statement, she has specifically deposed against the present applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the 164 CrPC statement of the prosecutrix, at this stage, I am not inclined to release the applicant on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge