

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7017 of 2019

- Arjun Tirkey S/o Shri Sadhan Tirkey, Aged About 32 Years By Caste Uraon, R/o Village Kerachhar (Pakpani) P.S. And Tahsil Patthalgaon, District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patthalgaon, District Jashpur Chhattisgarh,

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate
For Respondent /State	: Smt. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

20/01/2020

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 in connection with Crime No.87/2019 registered at police station Patthalgaon, district Jashpur (CG) for the offence punishable under Sections 363,376)2)(n)IPC and Section 4 and 6 of the Protection of Children from Sexual Offences Act.

As per prosecution case, report was lodged by the victim/ complainant against the applicant that he came to her house, took her to the backyard and committed sexual intercourse. It is alleged that when the prosecutrix became pregnant he refused to marry her and gave some medicine.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that there was inordinate delay in lodging the report. Lastly, he submits that the applicant is in jail since 21.08.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application. She submits that the prosecutrix was a minor and was aged about 13 years and seven months on the date of incident.

Having heard counsel for the parties, considered the totality of the fact, in particular the fact that the prosecutrix was a minor, I am not inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge