

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7312 of 2019**

- Rajesh Sahu S/o Ram Singh Sahu Aged About 31 Years R/o Village Boirdeeh, Police Station Ambagarh Chowki, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ambagarh Chowki, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Punit Ruparel, Advocate.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.02.2020**

1. Pursuance to order dated 09.01.2020 of this Court, informant of the case namely, Dhanesh Sahu is present today. On being asked, he has made his objection regarding grant of bail to the applicant.
2. His presence be marked.
3. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 152/2019 registered at Police Station : Ambagarh Chowki, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376(3), 376(2)(b) and 506-II of IPC and Section 6 of the Protection of Children From Sexual Offences Act, 2012.
4. As per the prosecution case, the allegation against the

present applicant is that on the pretext of marriage he has committed repeated sexual intercourse with the minor prosecutrix. Medical check-up of the prosecutrix was conducted where she is found to be pregnant of 5 months. Based on that, after recording the statement of the prosecutrix, offence has been registered against the applicant and he has been arrested.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that applicant is in jail since 25.07.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
6. On the other hand, State counsel as well as complainant opposes the bail application and submits that on the date of commission of offence the prosecutrix was below 16 years.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, objection of the complainant, in particular the age of the prosecutrix, at this stage, I am not inclined to release him on bail.
9. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**