

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7400 of 2019**

- Sagar @ Dhananjay Kashyap S/o Panchram Kashyap, aged about 21 years, R/o village Piparkhuta, Police Station Lalpur, District Mungeli (C.G.) **Present address** : Bombay Awad, Qr. No.30/3, Deonagar, Police Station Koni, District Bilaspur (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant. : Shri Praveen Dhurandhar, Advocate.
For Respondent. : Shri B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****12/02/2020**

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 15.05.2019 in connection with Crime No.144/2019 registered at Police Station : Koni, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 6 of Protection of Children from Sexual Offences Act, 2012.
2. The allegation against the present applicant is that he allured the prosecutrix and took her along with him on the false pretext of marriage and committed forcible sexual intercourse with her. During the course of investigation, prosecutrix recovered from the applicant and her statement was recorded. Based on this, offence has been registered.

The applicant has been taken into custody on 15.05.2019.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that it is a case of consent and the prosecutrix accompanied the applicant of her own. He also submits that in the present case, except school register, nothing is there to prove that the prosecutrix is minor. He also submits that the applicant is in jail since 15.05.2019, 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.
5. Complainant/father of the prosecutrix is also present in person before this Court and submits that the bail may not be granted to the applicant.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering that the prosecutrix appears to be minor, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge