

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8030 of 2019**

- Mohan Kawasi S/o Mitoo Aged About 25 Years R/o Irlabhatha Para, Magnar, Police Station Darbha, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Darbha, District Bastar, Chhattisgarh.

---- Respondent

For Applicant.	:	Ms. Indira Tripathi, Advocate.
For Respondent/State	:	Mr. Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.02.2020**

1. Pursuant to the order dated 28.01.2020, complainant/prosecutrix is present today before this Court. On being asked, she made her objection regarding the grant of bail.
2. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 10/2018 registered at Police Station - Darbha, District Bastar (C.G.) for the offence punishable under Sections 363, 376, 109 & 506 of IPC and Section 4 of POCSO Act.
3. As per the prosecution case, when the prosecutrix was going to Singanpur with her parents, at the midway, near the Geedam Naka, applicant Mohan Kawasi came across and because the prosecutrix craved to see the Neganar, they went together to the Neganar to his house. Next day, co-accused Mohan Kawasi committed sexual intercourse with the prosecutrix against her will when they were returning to

Singanpur from Nehanar and dropped her at Tongpal from where co-accused person Kiran Kumar Baghel took the prosecutrix with him to the Bhopal and threatened her not to disclose the fact to anyone. Based on that, offence has been registered against the applicant and he has been arrested.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She next submits that the applicant having no criminal antecedent and there is no likelihood for early disposal of the trial. The applicant is in jail since 30.07.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
5. Per contra, State counsel opposes the bail application.
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, objection of the complainant, in particular the age of the prosecutrix, 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**