

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8147 of 2019**

- Vijay Kumar Naurangi S/o- Late- Babulal Satnami Aged About 32 Years R/o- Subhash Nagar, Charcha, P.S.- Charcha, Tahsil- Baikunthpur, District- Korea, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, P.S.- Charcha, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Shri Pushkar Sinha, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**02/01/2020**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 03/2019, registered at Police Station – Charcha, District – Korea, Chhattisgarh, for the offence punishable under Sections 363, 366, 376 of I.P.C and Section 4 & 6 of POCSO Act.
2. First bail application of the applicant was dismissed as withdrawn with liberty to file afresh after examination of the prosecutrix before the trial Court, vide order dated 22.04.2019 passed in MCRC No. 2368/2019.
3. As per the prosecution story, age of the prosecutrix at the relevant time was about 16 years. On 03.01.2019, prosecutrix lodged a report alleging therein that applicant on pretext of marriage took her away and kept her with him for about one and half months and committed sexual intercourse with her, due to which she got pregnant. Prosecutrix gave birth to a child who died within one month of her delivery. Thereafter, applicant expelled the prosecutrix from his house.

On the basis of the said, offence has been registered. Applicant was taken into custody on 04.01.2019.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that age of the prosecutrix at the relevant time was about 22 years. Also, from the statement of the prosecutrix, it appears that prosecutrix was a consenting party in the alleged act. He further submits that, since, prosecutrix is a major girl and a consenting party, therefore, no offence can be made out against Applicant. Applicant is in custody since 04.01.2019, charge-sheet has been filed, prosecutrix has already been examined before trial Court and trial will take some time, therefore, it is prayed that Applicant may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, arguments advanced by the Counsels for both the parties, evidence collected by the prosecution and further considering the statement of the prosecutrix recorded before Trial Court, I am not inclined to release the Applicant on bail.
8. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge