

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8359 of 2019

- Suraj Khandekar Son Of Manoj Khandekar Aged About 22 Years Resident Of Kona, Jarhagaon, District Mungeli Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Suhela, District Balodabazar, Chhattisgarh

---- Respondent

For Applicant	: Shri Kaushal Yadav, Advocate
For Respondent/State	: Shri Anurag Verma, PL
For Complainant	: Shri Vivek Agrawal, Advocate

Father of the prosecutrix is also present in the court. He has opposed the bail application.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/02/2020

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.86/2019 registered at police station Suhela, District Baloda Bazar (CG) for the offence punishable under Sections 363,366 and 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act.

As per prosecution case, a missing report was lodged by the father of the prosecutrix alleging that his daughter was missing from school. It is alleged that the applicant has abducted her and subjected her to sexual intercourse on the pretext of marriage.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the prosecutrix was having love affair and was a consenting party. He submits that the applicant is in jail since 21.06.2019 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.

Having heard counsel for the parties, considered the totality of the fact, in particular the fact that the prosecutrix is a minor, the applicant has abducted her and on the pretext of marriage, committed rape on her, 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