

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 803 of 2021**

- Rajendra Suryawanshi S/o Shri Uderam Suryawanshi Aged About 21 Years R/o Village Mudpar (Kapan), Police Station Naila, Civil And Revenue District Janjgir Champa Chhattisgarh, ---- **Applicant**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Koni, Civil And Revenue District Bilaspur Chhattisgarh---- **Respondent**

For Applicant : Mr. Paras Mani Shrivastava, Advocate.

For State : Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****25-06-2021**

1. The applicant has preferred the first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 21-6-2020 in connection with Crime No. 124 of 2020 registered at Police Station Koni, District Bilaspur (CG) for the offence punishable under Sections 363, 366, 376 (2)(N) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. The case of the prosecution, in brief, is that on 19-6-2020 father of the prosecutrix namely Prahlad Prasad Kenwat lodged report in Police Station Koni stating therein that on 18-6-2020 his minor daughter aged about 16 years had gone to anywhere at about 8 – 9 pm from his house without any intimation and he had doubt upon the applicant that he abducted his daughter and during the course of investigation, prosecutrix was found with the applicant at his parental house, thereby the aforesaid offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the prosecutrix accompanied the applicant and visited various places with applicant on her own will,

therefore, it is a case of consent. He would further submit that even medical evidence and statement of prosecutrix recorded under Section 164 of Cr.P.C., do not support the case of the prosecution, therefore, no case is made out against the applicant. He would further submit that the applicant is a permanent resident of address given in the cause title and there is no chance of her absconding and tempering with witnesses of the case. He would further submit that the applicant is in jail since 21-6-2020 and conclusion of the trial is likely to take some time, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that at the relevant time, the age of the prosecutrix was below 16 years. She being the minor, the question of consent does not arise. The applicant/accused kidnapped her and sexually abused her., therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the age of the prosecutrix who is below 16 years at the time of committing offence by the applicant, I do not find any ground for grant of regular bail to the applicant. Consequently, the bail application is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible.

Sd/-

(Narendra Kumar Vyas)
Judge

Raju