

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 840 of 2021

- Kuljeet Sahu, S/o Moti Lal Sahu, Aged About 18 Years, R/o Sanjay Nagar, Korba, P.S.- Kotwali, Korba, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer of Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mirza Kesar Baeg, Advocate.
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For State/respondent	: Ms. Akshara Amit, Panel Lawyer.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/09/2021

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.3631 of 2020 vide order dated 16.6.2020 was dismissed as withdrawn.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.134/2020 registered at Police-Station-Kotwali, Korba, District-Korba, Chhattisgarh for the offence punishable under Sections 363, 342, 376, 506, 34 of IPC and Section 6 of POCSO Act, 2012.

3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 05.03.2020. The prosecutrix has been examined in the trial she is not a reliable witness, therefore, it is prayed that the applicant may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was minor and she has further very clearly supported the prosecution case in the trial, therefore, the application be rejected.
5. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA Korba on notice. She has stated that she has strong objection in grant of bail to this applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that on the date of incident this applicant abducted the minor prosecutrix, kept her in confinement and by putting her under threat, he forcibly raped her. Hence, this case.
8. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix, which shows that she has supported the prosecution case, therefore, I do not feel inclined to allow the bail application of this applicant.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge