

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 678 of 2021

- Adesh Dewangan S/o Mukesh Dewangan, Aged About 20 Years R/o Yadav Mohalla, Tikrapara, Police Station City Kotwali, District Bilaspur (C.G.), District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, District Bilaspur (C.G.), District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Punit Ruparel, Advocate.

For Non-applicant/State – Shri Afroj Khan, Panel Lawyer.

Shri S.B. Pandey, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 04-12-2020 in connection with Crime No.272/2020 registered at Police Station - City Kotwali, District Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated. The applicant and the prosecutrix both had very intimate relationship. The documents have been filed showing the whatsapp chat between them. As it is alleged by the complainant side, no such offence is committed by this applicant. He is in jail since 04-12-2020. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that age of the prosecutrix was below 16 years on the date of incident. Further, there is evidence regarding her abduction and rape against this applicant. Therefore, he is not entitled for grant of bail.

4. The prosecutrix is present in person before this Court on notice. She has objection in grant of bail to this applicant.
5. Heard the submissions and perused the case diary.
6. The prosecution case is this, that the applicant and the prosecutrix both were acquainted to each other. On the date of incident it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody he had physical relation with her knowing that she is minor and not capable of giving consent.
7. Considered on the submissions and looking to the statement of the witnesses present and also the statement of objection from the complainant side, I do not feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge