

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1686 of 2021

- Aman Kori @ Manish S/o Shri Baba Kori @ Durjan, Aged About 20 Years, R/o Front of Indira Vihar Gate Atal Awas Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Police Station Pasaan, District Korba Chhattisgarh

---Non-applicant

For Applicant – Shri Curtis Collins, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-08-2021

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 14-08-2020 in connection with Crime No.85/2020 registered at P.S. - Pasaan, District Korba, Chhattisgarh for the offence under Section 363, 376, 120(B) /34 of the IPC, Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(5) of SC/ST Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 14-08-2020. The applicant and the prosecutrix both were having love affair from past one year. The prosecutrix had willingly gone with this applicant and others on trip to Amarkantak. The diary statement of the prosecutrix and other witnesses are totally false and it is a clear case of false implication. Father of the prosecutrix had given an affidavit before the Sessions Court making statement that no such incident has occurred, which was not considered by the Sessions Court. He has also mentioned in the affidavit that the FIR has been lodged under the pressure of the village community. Therefore, it is prayed that this applicant may be

granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is serious allegation present against this applicant. The statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. is very clear that she has been raped by this applicant. Further, the prosecutrix is minor. Therefore, no case is made out for grant of bail.

4. The prosecutrix had virtually appeared before this Court on 29-07-2021 and she has made statement of no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the prosecutrix went with this applicant and others on a trip to Amarkantak. As they could not go to Amarkantak due to Lock down, all of them started traveling in the direction of Korba. The vehicle in which they were traveling was stopped in a place and the minor prosecutrix was dragged by the applicant to a nearby place where he forcibly raped her. Subsequent to that, the prosecutrix was again raped by this applicant in the vehicle also.

7. Considered on the submissions. No objection statement of the father of the prosecutrix and the prosecutrix herself do not make any difference as the case on merits is totally against this applicant. Looking to the statement that is present in the case diary against this applicant, I am of this view that it is not a fit case for grant of bail to the applicant.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge