

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 923 of 2021**

- Vijay Prakash Ratre S/o Hulesh Ratre, aged about 20 years, R/o Madai Bhatha, Police Station Sarsiwa, District Baloda Bazar (C.G.)

---- Applicant**Versus**

- The State Of Chhattisgarh Through : Station House Officer, Police of Police Station – Urla, District Raipur (C.G.).

---- Respondent

For Applicant. : Mr. B.L. Sahu, Advocate.
For Respondent. : Ms. Anjali Singh Chouhan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31/03/2021**

1. The applicant has filed this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 03.07.2019 in connection with Crime No.373/2018 (wrongly mentioned as 373/2019 in first bail application) registered at Police Station : Urla, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376, 342, 34 of Indian Penal Code and Sections 4 & 6 of Protection of Children From Sexual Offences Act.
2. Earlier bail application of the applicant was dismissed as withdraw.
3. The allegation against the present applicants is that he took the prosecutrix with him to village Sarsiwa and committed forcible sexual intercourse with her on the pretext of marriage. Based on this, offence has been registered. The applicant has been taken into custody on 03.07.2019.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He

further submits that the prosecutrix is consenting party to the act of the applicant and it is she who herself accompanied the applicant. He also submits that the applicant is in jail since 03.07.2019, the charge sheet has been filed, there is no likelihood of his case being decided in near future and, therefore, he may be released on bail.

5. On the other hand, State counsel opposing the bail applications submits that the prosecutrix is minor and, in her 161 Cr.P.C. statement, she has specifically named the present applicant and stated as to the manner in which he committed sexual intercourse with her.
6. In pursuance to the Court's order dated 10.03.2021, the complainant is also present before this Court and submits that the applicant may not be granted bail.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, in particular the statement of the prosecutrix recorded under Section 161 Cr.P.C., at this stage, I am not inclined to release him on bail.
9. Accordingly, bail application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge