

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 2053 of 2021**

Manish Kumar Rajak S/o Lalchand Rajak Aged About 20 Years R/o Village Balangi, Police Station Raghunathnagar, District Balrampur-Ramanujganj (Chhattisgarh).

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station AJAK Balrampur, District Balrampur-Ramanujganj (Chhattisgarh).

**---- Respondent**

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For the Applicant : Shri Arun Kumar Shukla, Advocate.  
For the Respondent/State : Shri Sameer Uraon, G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****29.07.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.21 of 2020, registered at Police Station – AJAK Balrampur, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366, 376 and 506 of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.5.2020 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The case of the

prosecution is not reliable. The statement of the prosecutrix is that the applicant was waiting in the night at about 3.00 am outside her house is doubtful further, she has stated that he has taken by the applicant to another village and kept in the house of Phoolmati whereas Phoolmati herself has stated differently in her statement, therefore, the whole case is full of doubts. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear statement that she was abducted and raped by this applicant. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix is present before this virtual Court through the Help-Desk of the High Court. She made a statement that she has objection in grant of bail to the applicant.

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

6. According to the prosecution case, on the date of incident, the prosecutrix came out in the night at about 3.00 am to answer the call of nature with her sister, when this applicant caught hold of her and took her to a nearby nala where she was raped by the applicant. Subsequent to that, the applicant took her to another village and kept in confinement until she was recovered by her parents.

7. Considered the submissions and the facts present in this case. After considering the statement of objection of the prosecutrix, I do not feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge