

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1433 of 2021

- Pragat Das Manikpuri @ Vinay S/o Ravi Das Manikpuri, aged about 20 years R/o Ward No. 12, Village Tilaibhat Mahli, Tehsil Pandariya, District Kawardha (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through P.S. Berla, District Bemetara (C.G.)

---- Respondent

For Applicant	:	Mr. Aman Kesharwani, Advocate
For Respondent/State	:	Ms. Smriti Shrivastava, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

01/07/2021

Heard.

1. This is the *first* 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. 105/2020 registered at Police Station Berla, District Bemetara (C.G.) for the offence punishable under Sections 363, 366 and 376 of the IPC, Sections 3 (1) (B) (ii) and 3 (2) (v) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act and Sections 6 and 12 of the POCSO Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. The statement of the prosecutrix recorded under Section 161 of the Cr.P.C reveals that she was the consenting party, therefore, there is no case made out against the applicant. He

prays that the applicant is in jail since 11/06/2020, therefore, he may be released on bail.

3. Per contra, learned State counsel opposes the bail application and submits that the prosecutrix is minor girl below 18 years of age. The statement of the prosecutrix recorded under Section 161 of the Cr.P.C clearly shows that she was not willing and consenting party, therefore, he prays to reject the bail application.
4. The prosecutrix has virtually appeared before this Court from the help desk of Bemetara. She has strong objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, on the date of incident the prosecutrix and her friend were offered ride of motor-cycle by the applicant. After the ride was completed, the applicant left the friend of the minor prosecutrix, however, he forcibly took the prosecutrix to a place where he kept her in his custody. The applicant, thereafter, forcibly exploited her sexually on many occasions until the prosecutrix was recovered.
7. Considered on the submissions. Looking to the statement of the prosecutrix recorded under Section 161 of the Cr.P.C and considering her objection in grant of bail to the applicant, I do not feel inclined to allow this bail application and release the applicant on bail.
8. Accordingly, the bail application is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge