

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 355 of 2021**

1. Kamal Doultani S/o Mahesh Doultanti Aged About 21 Years R/o Krishna Nagar Sarkanda Police Station Sarkanda District Bilaspur Chhattisgarh.
2. Mahesh Doultani S/o B.R. Doultani Aged About 50 Years R/o Krishna Nagar Sarkanda Police Station Sarkanda District Bilaspur Chhattisgarh,
3. Bharti Doultani, wife of Mahesh Doultani Aged About 45 Years R/o Krishna Nagar Sarkanda Police Station Sarkanda District-Bilaspur,Chhattisgarh.

---Applicants**Versus**

State of Chhattisgarh through The Station House Officer
Police Station Ajak Bilaspur District Bilaspur Chhattisgarh

--- Respondent

For the applicant	: Mr. Rajeev Kumar Dubey, Advocate.
For the Respondent	: Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****22.07.2021**

1. Anticipating arrest in Crime No.02 of 2021 of Police Station AJAK Bilaspur, District Bilaspur, Chhattisgarh, for the offences punishable under section 376/34 of IPC and section 6 of the Protection of Children from Sexual Offences Act & Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicant has filed this application under section 438 of the Code of Criminal Procedure.
2. As per the prosecution case, while the prosecutrix was minor, applicant No.1 Kamal Doultani who was also minor fell into love affairs. During such period, they developed relations

and the prosecutrix became pregnant and her pregnancy was aborted at the instance of applicants 2 & 3 mother and father of applicant No.1 and the promise was extended that the marriage would be performed after she becomes major. Subsequently after she became major, when the prosecutrix family insisted upon marriage, the applicants refused to marriage on the ground that the prosecutrix is elder than applicant no.1 and she belongs to lower caste, as such, subsequently the FIR was lodged.

3. Learned counsel for the applicants would submit that it is case of love affairs and initially the prosecutrix has lodged a report u/s 420 of IPC before the Police that the applicant and others have taken money to provide job and at that time, no whisper was made about the present incident and subsequently it has been revealed. Consequently the falsity of charges are writ large.
4. Per contra, learned State Counsel opposes the bail application and read out the statement of prosecutrix.
5. Considering the statement of the prosecutrix and prima facie allegations levelled and further considering the provisions of section 18 of the SC/ST Act, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**