

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1814 of 2021

- Arun Kumar Deshmukh S/o Rajulal Deshmukh Aged About 22 Years R/o Village Thanaud, Ward No. 05, Bhandapara, Police Out Post Anjora, P. S. Pulgaon, Tahsil and District-Durg, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through District Magistrate, District-Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.K. Prasad, Advocate.
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For State/respondent	: Mr. Samir Uraon, Govt. Advocate.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/07/2021

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.402/2020 registered at Police-Station-Mohan Nagar, District-Durg(C.G.) for the offence punishable under Sections 363, 366, 376(3) of IPC and Section 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 10.12.2020. The statement of prosecutrix under Section 164 CrPC reveals that her relation with the applicant was consensual. The MLC

report of the prosecutrix shows, that her secondary sexual characters were well developed and also that she was habitual for sexual intercourse. She was not minor, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of the prosecutrix have been only 13 years and, further, there is a statement of prosecutrix that she was sexually exploited by this applicant, therefore, the application be rejected.
4. Notice issued to the complainant has been returned served but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant allured the minor prosecutrix of age only 13 years and then on pretext of marrying her he took her to places where he kept her in his custody and exploited her sexually.
7. Considered on the submissions. Specifically, looking to the tender age of prosecutrix which were only 13 years at the time of incident and the other circumstances present, I do not feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge