

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1826 of 2021

- Lalit Rajwade, S/o Vishal Rajwade, Aged About 22 Years R/o Chando Bazarpara Police Station Lakhanpur, District - Sarguja Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station - Lakhanpur District - Sarguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rohitashwa Singh, Advocate.
For State/respondent	: Mr. Alok Nigam, Govt. Advocate.

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.102/2020 registered at Police-Station-Lakhanpur, District-Sarguja(C.G.) for the offence punishable under Sections 363, 366, 376(3) read with Section 120(B) of IPC and Section 03(A)/04(2) read with 17 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 30.09.2020. Charge-sheet has been filed and the trial is not making

any progress. The statement of the witnesses of prosecution are contradictory to each. Hence, it is a false case against the applicant, 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 prosecutrix in this case was minor of age only 15 years and there is her clear statement given under Sections 161 & 164 of CrPC, regarding the offence committed by this applicant, hence, the application be rejected.
4. Notice was issued to the complainant which 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 on the date of incident the minor prosecutrix was deceitfully taken by her friend and delivered to the applicant, who then taking benefit of this occasion had forceful physical relation with minor prosecutrix, regarding which the FIR has been lodged.
7. Considered on the submissions. Looking to the nature of the allegation present and also the age of the prosecution, 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.
9. Looking to the length of detention of this applicant in jail, the trial Court is directed to expedite the trial in the case against the applicant and to

decide it preferably within a period of 6 months.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha