

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2561 of 2021**

- Rajesh Kumar @ Chhotu, Son Of Kalyan Das Dewangan, Aged About 24 Years, Residence Of Village Majhgaon Mandalpara, Thana Baikunthpur, District-Koria Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station- Patna, District-Koria Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikas Kumar Pandey, Advocate.
For State/respondent	: Mrs. Hamida Siddiqui, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****30/07/2021**

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.8763 of 2020 vide order dated 29.01.2021 was dismissed as withdrawn.
2. This 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.112/2020 registered at Police-Station-Patna, District-Koria(C.G.) for the offence punishable under Sections 363, 376(2)(i)(n), 506 of IPC and Section 4 & 6 of POCSO Act, 2012.
3. 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

26.05.2020. The prosecutrix has been examined in trial and, further, a compromise has taken place according to which the applicant intends to marry the prosecutrix, therefore, it is prayed that this applicant may be enlarged on regular bail.

4. 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 has been although examined in the trial but she has fully supported the prosecution case, therefore, there is no case present in favor of applicant for grant of bail, hence, the application be rejected.
5. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Koria on notice. She has stated that she has no objection in grant of bail to this applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age 13 years and then committed the offence of rape with her.
8. Considered on the submissions and the facts present in the case, I am of this view that this is not a fit case for grant of bail to the applicant.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge