

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2930 of 2021**

- Indra Kumar, S/o Dharmchand, Aged About 22 Years, R/o Ward No. 8, Hasdev Dafai, New Ledri, Police Station-Jhagrakhand, District- Koriya, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-Jhagrakhand, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	: Mr. Ramsajiwan, Advocate.
For State/respondent	: Mrs. Smriti Shrivastava, Panel Lawyer.

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.161/2020 registered at Police-Station-Jhagrakhand, District-Koriya(C.G.) for the offence punishable under Sections 363, 366, 376, (2) 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. Charge-sheet has been filed. Trial is not making any progress, 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 prosecutrix was clearly minor. She has been examined in the trial and she has supported the prosecution case, therefore, there is no case made out for grant of bail to the applicant.
4. Prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA-Manendragarh on 15.07.2021. She has stated that she has objection in grant of bail to this applicant.
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 the applicant abducted the minor prosecutrix of age about 15 years and kept her in his confinement for some time and also had forceful physical relation with her. Hence, this case.
7. Considered on the submissions. Looking to the facts present in the case and also that the prosecutrix has supported the prosecution case in the trial, therefore, 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. However, the trial Court is directed to expedite the trial against the applicant and conclude the same as early as possible.

Sd/-

(Rajendra Chandra Singh Samant)

Judge