

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3826 of 2021**

Rishi Miri S/o Daduram Miri, Aged About 28 Years R/o Village Mulidih, Post Amori, Police Station Mulmula, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Mulmula, District Janjgir Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Akash Shrivastava, Advocate.
For the Respondent/State : Ms. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.07.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.285 of 2020, registered at Police Station – Mulmula, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 363, 366-A and 376(2)(M) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 29.10.2020 and has been falsely implicated in this case. There is no case present against the applicant. The prosecutrix has been examined in the trial and she is not a reliable witness. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix in this case is minor and further, she has herself promptly lodged FIR against the applicant. Hence, no case is made out for grant of regular bail to the applicant.

4. Notice issued to the complainant/ informant has been returned served but there is no appearance or representation.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, on the date of incident, the applicant forcefully abducted the minor prosecutrix and took her to a dilapidated house in a jungle where he forcefully raped her. Subsequently, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Taking into consideration the facts present in this case and also considering the fact that the prosecutrix who has been examined in the trial is not a hostile witness, therefore, I do not feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge