

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4190 of 2021**

- Ajay Kumar Nishad, Son of Chhotu Ram Nishad, Aged About 24 Years, Residence of Ravan Bhatha Nagpura Durg, Thana-Pulgaon, Durg, Tahsil and District - Durg (Chhattisgarh).

---- Applicant**Versus**

- State of Chhattisgarh Through, SHO Police Station - Pulgaon, District : Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikas Pandey, Advocate.
For State/respondent	: Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/09/2021**

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.88/2021 registered at Police-Station-Pulgaon, District-Durg, Chhattisgarh for the offence punishable under Sections 376, 376(2)(n), 450, 506 of IPC and Section 51, 4, 6 of POCSO Act, 2012.
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 18.02.2021. Prosecutrix has been examined in the trial and she has made some admissions in her cross-examination, which can be regarded as favorable to the applicant, therefore, 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 was minor and, further, she has supported prosecution in the trial, hence, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA Durg on 28.07.2021. She had 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 on the date of incident this applicant forcibly entered into the house of the prosecutrix and raped her regarding which FIR has been lodged.
7. Considered on the submissions and also perused the certified copy of deposition of prosecutrix which shows that the prosecutrix has supported the prosecution case, therefore, I do not feel inclined to allow the 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