

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3638 of 2021

- Raju Dheever, S/o Pawan Dheever, Aged About 23 Years, R/o Village Gullu, Police Station - Arang, District - Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through - Police Station - Arang, District - Raipur Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/07/2021

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.201/2021 registered at Police-Station-Arang, District-Raipur(C.G.) for the offence punishable under Sections 363, 366, 376(2)n of IPC and Section 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 because of the previous dispute between the family of the applicant and the prosecutrix which was regarding in parking of goods carrier vehicle

and also regarding the sewerage. According to the FIR lodged, the date of incident is 8.3.2021 whereas the FIR has been lodged on 31.3.2021, therefore, it is clearly delayed and there is no explanation of this delay. It appears from the statement of the prosecutrix herself that her relationship with the applicant was going on in the year 2018, therefore, there must be a love affair between her and applicant. He is in jail since 01.04.2021, 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 statement of the prosecutrix is very clear on this point that every time she was subjected to physical relation by putting the prosecutrix under threat. Further, being a minor, she was not capable to give consent for such relation, apart from that the prosecutrix has never consent for the same. Hence, it is not a good case for grant of bail.
4. The minor presecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Raipur on notice. 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 and the prosecutrix both were acquainted to each other. During Diwali festival of the year 2015 when the minor prosecutrix was alone in her house this applicant made a forceful entry in the house of the prosecutrix and then had physical relation with her by putting her under threat. The

prosecutrix was continued exploited sexually by the applicant on other occasions also and every time she was threatened by the applicant. On 8.3.2021, the applicant abducted the minor prosecutrix took her to his own house and had physical relation with her. Subsequent to which, the FIR has been lodged.

7. Considered on the submissions and the facts of the case. Taking into consideration the statement of the prosecutrix and also her no objection in grant of bail to the applicant, I do not feel inclined to allow this bail application .
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha