

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5105 of 2021**

- Karan Pradhan, son of Jawahar Pradhan, aged about 20 years, which is not mentioned in order, resident of Trimurty Nagar, near Raj Kirana Store, P.S. Devendra Nagar, Raipur (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh, through Station House Officer, PS Devendra Nagar, District Raipur (CG)

---- Non-applicant

For Applicant	:	Mr. Ravi Maheshwari, Advocate
For Non-applicant	:	Mr. Kapil Maini, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****25/10/2021**

1. This is first application under Section 439 of CrPC for grant of regular bail to applicant who is in custody since 9.3.2021 in connection with Crime No.39/2021 registered at Police Station Devendra Nagar, Raipur (CG) for commission of offence under Sections 363, 376 (3), 376 (2) (n) of IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of prosecution, in brief, is that prosecutrix and applicant were learning dance in same dance class at Devendra Nagar, Raipur due to which they were known to each other. On 18.3.2021 when prosecutrix went to shop to purchase Maggi noodles, at that time applicant came there and asked her to accompany him. Prosecutrix was taken by applicant to a

nearby place and there he forcibly committed sexual intercourse with her. Incident was reported by prosecutrix to her parents and on next date i.e. 9.3.2021, report was lodged based on which offence is registered against applicant.

3. Mr. Ravi Maheshwari, learned counsel for applicant submits that applicant is innocent and has been falsely implicated in crime in question. Applicant and prosecutrix were learning dance in same dance class. As per allegation, applicant forcibly committed sexual intercourse with prosecutrix near a shop, which is highly improbable. Hence, applicant may be released on regular bail.
4. On the other hand, Mr. Kapil Maini, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant. He submits that allegation of making physical relation by applicant with minor girl is much earlier from the date of report. Applicant took the prosecutrix with him on 8.3.2021 to deserted area, committed sexual intercourse with her. She was detained in night and in night also applicant committed intercourse with her several times. Next day father of prosecutrix and police came on the spot searching her and thereafter report was lodged. Prosecutrix, as per document available on record, is less than 15 years of age. He read over statement of prosecutrix and her father in support of his contention.
5. On 16.8.2021 prosecutrix appeared before the virtual Court

through help-desk and recorded her no objection.

6. I have heard learned counsel for parties.
7. Taking into consideration nature of allegation, statement of prosecutrix and her father, and age of prosecutrix to be less than 15 years, I am not inclined to grant regular bail to applicant. Accordingly, bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-