

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 652 of 2020**

Firoj Karsh @ Sonu S/o Bagdiya Ram Karsh, Aged About 19 Years R/o Pathrripara Rakhdgada Ke Paas Chouki Rampur Tahsil And District - Korba Chhattisgarh. **---- Appellant**

**Versus**

State Of Chhattisgarh Through, Police Station - A J K Korba, District -Korba Chhattisgarh. **---- Respondent**

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|----------------------|-------------------------------------------|
| For appellant        | : Shri Vikas Pandey, Advocate             |
| For Respondent/State | : Shri Vimlesh Bajpai, G.A.               |
| For Prosecutrix      | : Shri P.S. Rajput, Advocate, DLSA, Korba |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**19.01.2021**

1. This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 30.07.2020 passed by the learned Special Judge (SC/ST Act), Korba (C.G.) in Crime No. 131/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 363, 366 A, 376 of IPC and Section 4 of the POCSO Act and Section 3 (2) (v) of SC/ST Act, registered at Police Station- AJK, District- Korba (C.G.). The appellant is in jail since 30.05.2020.
2. Prosecution case is that the appellant abducted the prosecutrix and committed rape on her and at the time of the incident the prosecutrix was minor. A missing report was lodged by the father the prosecutrix, after investigation prosecutrix was recovered from the present appellant.
3. Learned counsel for the appellant submits that the allegations against the appellant are false and fabricated, he is falsely implicated in the case. The appellant/accused is in jail since

30.05.2020 and he has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned State Counsel opposes prayer for grant of bail submits that prima facie case is made out against the appellant because he committed rape on the prosecutrix who is minor in age at the time of incident, however, the appellant has no criminal antecedents.
5. Prosecutrix has appeared through video conferencing mode along with her counsel and she has raised objection to the appeal filed by the appellant to release him on bail.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the material collected against the appellant, nature of allegation, age of the prosecutrix below 17 years, without expressing anything on merits of the case, this Court finds no illegality or infirmity in the impugned order of the trial Court. Rejecting the bail application of the appellant.
7. Accordingly, the appeal being without any substance is hereby dismissed.

**(Gautam Chourdiya)**  
**Judge**

Nadim