

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5689 of 2021**

Gajendra Anuragi S/o Dhanesh Ram Anuragi Aged About 21 Years R/o Village Pendri, Thana-Mastoori, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through SHO, P.S. Mastoori, District- Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Praveen Solanki, Advocate with Shri Vijyita Sahu, Advocate on behalf of Ms. Shital Soni, Advocate.
For the Respondent/State	:	Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.09.2021**

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.168 of 2021, registered at Police Station – Mastoori, District Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 read with Section 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.4.2021 and has been falsely implicated in this case. It is submitted that the story of prosecution has brought a highly improbable case against

this applicant. The allegations made against the applicant regarding the commission of offence are totally false. The prosecutrix was not recovered from the possession of this applicant. Medico-legal examination of the prosecutrix is delayed and further, the vaginal slides that were prepared and preserved were delayed in sending to the FSL. The report of the FSL is also doubtful. It is further submitted that the MLC report shows that the prosecutrix did not have any external injury on the body and there is no definite opinion given by the examining doctor. It is also submitted that the prosecutrix was examined three times and all her statements have contradictions, therefore, the case of the prosecution is full of doubt. 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 age of the prosecutrix had been only about 13 years when she was abducted and raped by this applicant. She has made clear allegations against this applicant under Sections 161 and 164 of the Cr.P.C., therefore, no case is made out for grant of regular bail to the applicant. Hence, he is not entitled for grant of regular bail.

4. The prosecutrix has appeared on notice and she made a statement of no objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant

abducted the minor prosecutrix, kept her in his custody and had forceful physical relation with her on pretext that he will marry her in future. Hence, this case.

7. Considered the submissions and the facts present in this case. At this stage, there is statement of the prosecutrix under Section 161 of the Cr.P.C. as well as under Section 164 of the Cr.P.C. in which she has stated that she was subjected to physical relation by the applicant despite her refusal. As it is a single incident of physical relation regarding which, there is statement that the physical relation was forceful, therefore, I am of this view that it is not a fit case for grant of regular bail to the applicant.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge