

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6307 of 2021**

- Dev Singh @ Lal, S/o Sahdev Yadav, Aged About 21 Years, R/o Village Daad Vachali, Chowki Belaghna, Police Station Kota, District- Bilaspur, Chhattisgarh. **---- Applicant**

**Versus**

- State of Chhattisgarh, Through- The Station House Officer, Police Station Kota, District- Bilaspur, Chhattisgarh.

**---- Non-Applicant**

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For Applicant : Shri Rahil Arun Kochar, Advocate

For Non-Applicant/State : Shri C.B. Kesharwani, P. L.

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**29.11.2021**

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 04.02.2021 in connection with Crime No. 83/2021 registered at Police Station- Kota, District- Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 313, 376 of IPC and Section 6 of POCSO Act.
- 2) Case of the prosecution, in brief, is that the applicant eloped with the prosecutrix who was below 18 years of age without permission of her lawful guardian and made forcible physical relation with her on the pretext of marriage as a result of which she got pregnant and she was forcibly got aborted by the applicant and he dropped her at her home. On report being lodged to above effect the aforesaid offence has been registered against the applicant and during investigation he was arrested.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He further submits that the applicant has no criminal antecedents, there is inordinate delay in lodging the FIR, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 04.02.2021 and charge-sheet has already been filed and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) As per order-sheet dated 21.10.2021 prosecutrix/victim was appeared in-person alongwith her grand-mother and she raised objection to release of the applicant on bail.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the applicant, age of the prosecutrix below 16 years, statement of the prosecutrix, she got pregnant & forcibly aborted by the applicant, she vehemently objected to release of the applicant on bail and other material available on record, without commenting anything on merit of the case the application is rejected.

Sd/-  
**(Gautam Chourdiya)**  
**Judge**