

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6416 of 2021

- Sumit Das Manikpuri S/o Jugesh Das, aged about 20 years, R/o Dr. Rajendra Prasad Nagar Khursipar, Near Telhanala Bhilai, Police Station- Khursipar, District- Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station- Khursipar, District Durg (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Akath Kumar Yadav, Advocate
For Respondent/State	:	Shri C.B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

29.11.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 19.04.2021 in connection with Crime No. 173/2021 registered in Police Station – Khursipar, District Durg (CG) for the offence punishable under Sections 363, 366, 376 (2) (i) (n) of IPC and Sections 4, 5 (I) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The prosecution case is that on 09.04.2001 at about 03:30 pm, a report was lodged by the father of the prosecutrix about missing of her daughter in the police station Khursipar stating that her daughter (prosecutrix) aged about 14 years, 11 months has gone somewhere without informing him and did not return to her home. Initially the missing report was lodged against the unknown person and during course of investigation, the prosecutrix was recovered on 17.04.2021. The applicant was arrested on 19.04.2021. The allegation against the applicant is that he abducted the prosecutrix from lawful guardianship. It is alleged that the applicant by alluring the prosecutrix

of marriage committed forcible sexual intercourse with her repeatedly.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, the applicant and prosecutrix are having love affair with each other. He submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 19.04.2021, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, considering the nature of allegation made against the applicant regarding rape with the prosecutrix who is below 15 years of age, 161 Cr.P.C. & 164 Cr.P.C. statement of the prosecutrix and another witnesses, nor any reason to falsely implicate the applicant, without commenting anything on merits of the case, I am not inclined to grant bail to the present applicant.
6. Accordingly, the bail application is dismissed.

Sd/-

(Gautam Chourdiya)
Judge