

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6524 of 2021

- Rajesh Baghel, S/o Premchand Baghel, Aged About 24 Years, R/o Village Motimpur, Police Station Mungeli, District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station City Kotwali Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.K. Patel, Advocate.
For Respondent/State	:	Mr. Samir Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on board

05/10/2021

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.560 of 2021 vide order dated 26.02.2021 was dismissed as withdrawn.
2. This 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.23/2020 registered at Police Station-City Kotwali, Mungeli, Mungeli, Chhattisgarh, for the offence punishable under Sections 363, 366, 376 of the IPC and Section 04, 06 of POCSO Act.
3. It is submitted by the learned counsel for the applicant, that applicant has been falsely implicated in this case. He is in jail since 22.02.2020. The prosecutrix has been examined in the trial Court and her

statement shows, that she was willing and consenting party, therefore, there is no case present against this applicant, hence, it is prayed that his bail application be allowed and he may be granted bail.

4. Learned counsel for respondent vehemently opposes the application and submits that the prosecutrix is not hostile witness and she has fully supported the prosecution case, therefore, the application be rejected.
5. Prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA Mungeli on notice. She has stated that she has objection in grant of bail to this applicant.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. According to the prosecution case, it is alleged that this applicant enticed the minor prosecutrix than abducted her, kept her in his custody for some time and during that period he sexually exploited her on more than one occasions until she was recovered by the police.
8. Considered on the submissions. Perused the certified copy of deposition of the prosecutrix, which shows that she has supported the prosecution case, therefore, I do not feel inclined to allow the bail application of this applicant.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge