

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6542 of 2021**

- Abhay Thakur S/o Late Komal Singh Thakur Aged About 20 Years R/o Samriddhi Vihar Colony, Yadunandan Nagar, Tifra, Police Station Sirgitti, Tahsil And District Bilaspur CG

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sirgitti, District Bilaspur CG

---- Non-applicant

For applicant Mr. Ratnesh Kumar Agrawal, Adv.
 For non-applicant/State Ms. Akshra Amit, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****26-10-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No.412/2021 registered in police station Sirgitti, Distt. Bilaspur, (CG) for offence punishable under 376(2)(f), 294, 323, 325, 427, 506, 34 of the Indian Penal Code and Section 4 and 6 of the Protection of Children from Sexual Offences Act.
3. Brief facts of the case are that since the year 2015, when the victim/prosecutrix was minor aged about 13 years, the applicant kept harassing, torturing and threatening her in many ways while coming/going to school/tuition, and one day, he took her in a lonely place and sexually abused her. Thereafter, he repeatedly sexually abused her on the pretext of marriage. After getting major, when complainant asked him to marry her, then applicant refused and also stopped talking to her. On 8-8-2021 when she was going to tell about all the incidents to the mother of the applicant, then co-accused who is elder brother of the applicant, assaulted upon her and also damaged her vehicle. On lodging of report by the complainant, aforesaid offence has been registered. After investigation, charge sheet under Section 376(2)(n), 294, 323, 325, 427, 506, 34 of the Indian Penal Code and Section 4 and 6 of the Protection of Children from Sexual Offences Act has been filed against the applicant and his brother.
4. Counsel for the applicant submitted that the applicant has not

committed alleged crime, actually facts are that it is a matter of love affair between the applicant and victim prosecutrix. Under this relation, victim/prosecutrix used to take money and other things from applicant, but during Covid period, the applicant was unable to fulfill her demand of money and valuable articles, therefore, she has lodged false FIR against the applicant. He next submitted that charge sheet has been filed. Applicant is in jail since 9-8-2021. Hence, he may be granted bail.

5. On the other hand, the State Counsel opposed the bail application and submitted that the applicant has been sexually abusing victim/prosecutrix since her age of 13 years, and thereafter also, he sexually abused her repeatedly by threatening to kill her and her family members. She also drew attention of this Court on the statements of the victim/prosecutrix recorded by the police under Section 161 of the Cr.P.C. and also her statement recorded under Section 164 of the Cr.P.C., in which, victim / prosecutrix has narrated about the crime committed by the applicant with her and submitted that the applicant does not deserve to be enlarged on bail.
6. On 18-10-2021, the victim/prosecutrix appeared before this Court and objected bail application filed by the applicant submitting that the applicant has not only beat her, but has also threatened her to kill when he comes out from the jail. She also submitted that friends of applicant/ accused are also sending her Whatsap messages to withdraw the case.
7. I have heard counsel for both the parties and perused the case diary and the material available.
8. Considering the facts and circumstances of the case, nature and gravity of the offence particularly harassment, torture and threats including physical abuse committed by the applicant with the prosecutrix, I do not feel inclined to grant bail to the applicant. Hence, the bail application filed by the applicant under Section 439 of the Cr.P.C. is rejected.

Sd/-
(N.K. Chandravanshi)
Judge