

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.6680 of 2021

- Pawan Paikra, S/o Jagsai Paikra (wrongly mentioned as Jagannath in order sheet) aged 22 years, R/o Vill. Kunjara, P.S. Lailunga, District Raigarh (CG)

---- Applicant (In Jail)

Versus

- The State of Chhattisgarh, through Police Station- Chakradharnagar, Raigarh District Raigarh (CG).

....Non-applicant

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Non-applicant	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

23.11.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 26.7.2021 in connection with Crime No.437/21 registered at Police Station Chakradhar Nagar, Raigarh (CG) for commission of offence punishable under Section 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 27.7.2021 prosecutrix lodged written report making allegation that applicant had established physical relationship with her from 9.7.2021 to 12.7.2021 on the pretext of marriage. Based on written report, crime in question is registered against applicant and he was arrested.
3. Mr. Sanjay Agrawal, learned counsel for applicant would submit that applicant has not committed any offence as

alleged. Prosecutrix was a consenting party and established physical relationship with applicant with her own will. Applicant is in jail since 26.7.2021, hence he may be released on regular bail.

4. Per contra, Mr. Vinod Tekam, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that applicant established physical relations with minor prosecutrix (less than 17 years of age) on false pretext of marriage, hence he is not entitled to regular bail.
5. Prosecutrix appeared before this Court through virtual mode from DLSA Raigarh on 4.10.2021 & 20.10.2021, on both these dates she strongly objected bail application and submits that applicant should not be granted bail.
6. I have heard learned counsel for both sides.
7. Taking into consideration nature of allegations levelled against applicant, statement of prosecutrix made before this Court; I am not inclined to grant regular bail to applicant. Accordingly, bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-