

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6690 of 2021**

- Dinesh Nishad S/o Somanth Nishad, Aged About 27 Years, R/o Model Town Ward No. 02, Out Post Smriti Nagar, Police Station - Supela, District Durg Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh, Through: Station House Officer, Police Station Supela, Out Post - Smriti Nagar, District Durg Chhattisgarh

**----Non-applicant**

---

For Applicant – Shri Sudhir Kumar Verma, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**05-10-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-11-2020 in connection with Crime No.822/2020 registered at Police Station – Supela, Out Post Smriti Nagar, District Durg, Chhattisgarh for the offence under Section 450, 376 of the IPC and Section 04 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 22-11-2020. The prosecutrix is of age about 16 years. The physical relation of the applicant with the prosecutrix was consensual as there is no sign of injury present on the body and private parts of the victim. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor of age about 16 years and secondly, her statement under Section 161 and 164 of the Cr.P.C. is very clear that the applicant has raped her. Therefore, the application may be rejected.

4. The minor prosecutrix is physically present before this Court on notice

and she has objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on the date of incident this applicant came to the house of the minor victim when she was all alone. Finding this opportunity this applicant forcibly raped the minor prosecutrix without her willingness and consent. Hence, this case.

7. Considered on the submissions. Taking into consideration the facts and circumstances that are present in this case, I do not feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

9. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**