

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8156 of 2020**

- Chotu Lal @ Ajay S/o Alekh Ram Aged About 24 Years, R/o Village Bhanwarpur, Police Station And Tahsil Basna, District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : S.H.O. Of The Police Station Outpost Jutemill, Police Station Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Neeraj Choubey, Adv.
For Respondent/State	:	Ms. Smriti Shrivastava, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/03/2021**

1. Pursuance to order dated 28.01.2021 of this Court, prosecutrix/complainant is present today before the Court. On being asked, she has made his objection regarding grant of bail to the applicant.
2. The accused/applicant has moved this **third bail** application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 535/2019 registered at Outpost-Jutemill, Police Station, Kotwali, Raigarh, District-Raigarh (C.G.) for the offence punishable under Section 376 of the IPC and 6 of Protection of Children from Sexual Offences Act.
3. The second bail application of the applicant was dismissed by this Court on 16.07.2020 in MCRC No. 2973/2020.
4. The allegation against the present applicant is that he committed sexual intercourse with the prosecutrix on the pretext of marriage as a result of which she became pregnant. Based on this, offence has been registered. The

applicant has been taken into custody on 12.07.2019.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prosecutrix lodged a report against the applicant after four months of her pregnancy which clearly shows that she was a consenting party to the act of the applicant. He next submits that the applicant is in jail since 12.07.2019, the charge sheet has been filed, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and submits that at the time of incident, the prosecutrix was below 16 years of age, therefore, the present applicant may not be released on bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
9. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**