

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7192 of 2021**

- Prabhuraj Patel S/o Dular Say Aged About 19 Years R/o Pokharipara Emliguddu, Korba, District – Korba, CG

---- Applicant

Versus

- State of Chhattisgarh through - Station House Officer, Police of Police Station - Kotwali, Korba, District - Korba CG

---- Non-applicant

For applicant	Ms. Mandvi Bhardwaj, Adv.
For non-applicant/State	Mr. Ankur Kashyap, PL.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****27-10-2021**

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. 534/2019 registered in police station Kotwali, Korba, Distt. Korba, (CG) for offence punishable under 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.
3. Brief facts of the case are that on 29-8-2019, the applicant abducted victim/ prosecutrix and took her to Jammu (Kathua) and sexually abused her till her recovery on 25-10-2019. On lodging the report by brother of the victim/prosecutrix, offence under Section 363 of the IPC was registered in PS Kotwali, Korba, Distt. Korba and after recovery of the victim/prosecutrix and completion of investigation, charge sheet under Section 363, 366, 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act was filed against the applicant, which is pending before the trial Court.
4. Counsel for the applicant would submit that applicant has not committed alleged crime. He is innocent boy of 19 years. He has been falsely implicated in this case. Actually, it is a case of consent as the victim voluntarily accompanied the applicant. He would further submit that charge sheet has been filed. Applicant is in jail since 30-10-2019.

Conclusion of trial will take a long time. Hence, the applicant may be enlarged on bail.

5. On the other hand, the State Counsel opposing the bail application would submit that it is a case of abduction and repeated rape with the victim/ prosecutrix, who was minor at the time of incident. He would next submit that as per the impugned order, 5 witnesses have already been examined and victim/prosecutrix, her brother and her father have supported the case of prosecution. Therefore, the applicant is not entitled to be enlarged on bail.
6. Victim/Prosecutrix and her father objected to grant of bail to the applicant, who appeared through video conferencing before this Court.
7. I have heard counsel for both the parties and perused the case diary and the material available on record.
8. It is a case of abduction and repeated rape of minor victim/ prosecutrix. Taking into consideration the nature and gravity of offence, particularly the facts mentioned by the Court below in the impugned order that many witnesses have been examined, I do not feel inclined to grant bail to the applicant.
9. Consequently, the bail application preferred by the applicant under Section 439 of the Cr.P.C. is rejected.

Sd/-
(N.K. Chandravanshi)
Judge