

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7919 of 2020**

Gundhar @ Guddu Mandavi, S/o. Budhram Mandavi, aged about 25 years,
R/o. Pakhnakongera, P. S. Bhanpuri, District Bastar, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Police Station – Bhanpuri, District -
Bastar Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Chitendra Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/03/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.22/2020, registered at Police Station – Bhanpuri, District – Bastar (C.G.) for the offence punishable under Section 376, 506, 34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The FIR has been lodged after delay of about two years. The prosecutrix has in her first statement before the Child Welfare Committee stated about the relationship with the applicant based on consent. False FIR has been lodged because of the enmity between the family members of the applicant and the prosecutrix. The applicant is in jail since 22.02.2020. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident, the age of the prosecutrix was below 16 years and that she has clearly stated in her statement under Section 161 and 164 of Cr.P.C. that this applicant has committed the offence of rape with her. Therefore, no case is made out for grant of bail to the applicant. Hence, it is prayed that the application be rejected.
4. The complainant/prosecutrix is present before this Court on notice. She has made strong objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant raped the minor prosecutrix on 16.03.2018 by putting her under threat, then subsequently on other occasions whenever, the applicant found opportunity, he raped the minor prosecutrix several times until the FIR was lodged on 20.02.2020.
7. Considered on the submissions and looking to the facts and circumstances of the case and also the objection made by the complainant/prosecutrix in grant of bail to the applicant, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge