

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7632 of 2021**

- Kundan Kumar S/o Lalit Narayan Aged About 22 Years R/o Subhash Block Md - 39, Korba, District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Korba, District Korba Chhattisgarh

---- Respondent

For Applicant	: Shri Anil Tripathi, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

15.11.2021

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.875 of 2020 registered at Police Station Kotwali, Korba, District-Korba CG for the offence punishable under Section 377 of the IPC and Section 4 of POCSO (Protection of Children from Sexual Offences) Act, 2012.
2. Case of the prosecution is that on 15.10.2020 applicant called complainant/victim and asked him to accompany him to purchase nails from village Mudapar. Thereafter, victim was asked to bring chilli powder, which he took to the house of applicant. Complainant was detained in house of applicant, and he started showing some movie on mobile phone. Applicant, thereafter, has committed un-natural sex with victim. Incident was reported to concerned Police Station, based upon which aforementioned crime was registered against the applicant.
3. Shri Anil Tripathi, learned counsel for the applicant would submit that as many as three witnesses have been examined before trial Court. Applicant is

in jail since 16.10.2020, age of the victim on the date of incident was 17 years. He submits that he is not pressing this application on merits but he is making a prayer for release of applicant on the ground of long pre-trial detention.

4. Shri Vinod Tekam, learned counsel for the State opposing the submission made by learned counsel for the applicant submits that in view of evidence of victim available on record at Page-14, relief sought for by the applicant could not be granted to him.

5. Victim/complainant is present through virtual mode from DLSA Korba. He raises objection on release of applicant on regular bail.

6. I have heard learned counsel for the parties and also perused record of bail petition along with evidence of victim at Page-14 filed as Annexure A2. Upon going through the evidence I do not find it a fit case to enlarge the applicant on regular bail.

7. Accordingly, application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE