

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8110 of 2020

- Tirith Ram Banjare S/o Sudhari Ram Banjare, Aged About 28 Years, R/o Village Akhrar Bazarpara, Police Station Lormi, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Rajeev Kumar Dubey, Advocate.

For Non-applicant/State – Ms. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-02-2021

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 22-07-2020 in connection with Crime No.226/2020 registered at Police Station – Takhatpur, District Bilaspur, Chhattisgarh for the offence under Section 363, 366-A and 376 of the IPC and Section 4 and 6 of Protection of Children from Sexual Offences Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The applicant has not committed any offence. The allegations made by the prosecutrix are false. Even if the statement of the prosecutrix given under Section 164 of the Cr.P.C. is considered, it would appear to be a case of consent. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that on the date of incident the prosecutrix was of age below 16 years, therefore, any consent or willingness on her part is of no consequence. Hence, the application may be rejected.
4. The prosecutrix is present before this Court on notice. She has objection

in grant of bail to this applicant.

5. Heard the submissions made and perused the case diary.

6. The prosecution is this, that on the date of incident this applicant abducted the minor prosecutrix of age below 16 years and then by keeping her in his custody for some time he established physical relation with her, which amounts to rape as the minor prosecutrix was not competent to give valid consent.

7. Considered on the submissions and facts of the case. As the prosecutrix has herself made objection in grant of bail to the applicant, therefore, 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge