

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7720 of 2021**

- Rambharos Kashyap S/o Dilharan Kashyap Aged About 22 Years R/o Village Dongakohroud, Police Station And Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh. ---- **Applicant (In jail)**

**Versus**

- State Of Chhattisgarh Through S.H.O., P.S, Pamgarh, District Janjgir-Champa, Chhattisgarh ---- **Respondent**

---

For Applicant : Shri HV Sharma, Advocate  
For Respondent/State : Shri Ashish Gupta, PL

---

**Hon'ble Shri Justice Parth Prateem Sahu**  
**Order on Board**

**26.11.2021**

1. Prosecutrix appeared through virtual mode from DLSA Janjgir-Champa and submits that she is having objection in grant of bail to applicant.
2. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.218 of 2021 registered at Police Station Pamgarh, District- Janjgir-Champa Chhattisgarh for the offences punishable under Sections 363, 366 of the IPC and Section 12 of POCSO (Protection of Children from Sexual Offences) Act, 2012 and Section 3(2)(v)(a) of SCST Act.
3. Case of the prosecution is that on 08.06.2021 at about 7.30 pm when the prosecutrix was returning to her house, applicant caught hold of her and took her to nearby Tank, where she was detained up to 2.30 am (midnight), till other family members of applicant came there, rescued her and left her near her house. Prosecutrix thereafter, went to house. On the next day, FIR was lodged by father of prosecutrix, based upon which aforementioned crime is registered against applicant, and he was arrested.
4. Shri HV Sharma, learned counsel for the applicant would submit that there is love affair between prosecutrix and applicant since last one year. Applicant

has not committed any offence as alleged. Allegation of taking photographs of prosecutrix at the time of her bathing is also not correct. No material is collected to prove the allegations during the course of investigation. He also pointed out that only because of the fact that applicant wanted to marry prosecutrix, false and fabricated allegations were made against him, hence applicant may be enlarged on regular bail.

5. Shri Ashish Gupta, learned counsel for the State opposing the submission made by learned counsel for the applicant submits that serious allegations have been levelled against applicant that he caught hold of prosecutrix and took her to nearby tank/pond and detained her in the night. He also submits that on the date of incident, age of prosecutrix was only 14 years, hence applicant is not entitled for bail.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations against applicant, time when prosecutrix was abducted and detained near tank till 2.30 am (midnight), age of prosecutrix and objection raised by her in grant of bail to applicant, I do not find it a fit case to enlarge the applicant on bail at this stage.

8. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-  
(Parth Prateem Sahu)  
JUDGE