

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8138 of 2021

- Tukaram @ Aaryan Loniya, S/o Aanand Loniya, Aged About 20 Years, Cast Chouhan, R/o Navrangpur, Chouki Chilfi, Thana Lormi, District Kabirdham, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kukdur, District Kabirdham, Chhattisgarh

---- Respondent

For Applicant	Mr. V. K. Pandey, Advocate
For Respondent	Mr. Vaibhav Singh, PL

Hon'ble Justice Shri Parth Prateem Sahu

Order On Board

30/11/2021

1. Prosecutrix along with her mother is present before this Court through virtual mode from District Legal Services Authority, Kabirdham and submits that the applicant should not be released on regular bail.
2. Applicant has filed this bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.12/2020, registered at Police Station Kukdur, District Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376, 34 of IPC and Sections 4 & 6 of the POCSO Act.
3. Case of prosecution is that the prosecutrix was residing with her mother, her father left them and is residing separately. The applicant initially used to get connected prosecutrix with her father through his mobile phone. Thereafter applicant himself started talking to her. One day applicant took her on his motorcycle and said that they will return

back after wandering the village fair. He took her to Kota and from there took her to Agra through train, where he committed sexual intercourse with her. Mother of prosecutrix lodged missing report, based upon which FIR was registered. During the course of investigation, prosecutrix was recovered from the possession of applicant from Agra on 04.03.2020, statement of prosecutrix under Section 161 of CrPC was recorded and applicant was arrested on 05.03.2020.

4. Mr. Pandey, learned counsel for the applicant, would submit that the applicant is innocent, false and baseless allegation has been levelled against him and he has been falsely implicated. He has not committed any offence as alleged against him. He would further submit that the applicant is in jail since 05.03.2020, therefore, he may be enlarged on regular bail.
5. Mr. Singh, learned State counsel, would oppose the submission of learned counsel for the applicant and would submit that the applicant abducted minor girl, aged about 16 years, and committed sexual intercourse with her, hence he is not entitled for benefit of regular bail.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegation and the age of the prosecutrix, I do not consider the present to be a fit case to release the applicant on regular bail.
8. Accordingly, the bail application is dismissed.

Sd/-
Parth Prateem Sahu
Judge