

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9263 of 2020

- Dileshwar @ Dillu S/o Santlal Choudhary, aged about 23 years, R/o Village Badra Khepitola, P.S. Bhalumada, District Anuppur, M.P.

---- Applicant

Versus

- State of Chhattisgarh Through : Officer Incharge P.S. Marwahi, District – Gaurella-Pendra-Marwahi (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Rakesh Pandey, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

10.05.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 06.06.2020 in connection with Crime No. 33/2020 registered in Police Station Marwahi, District Gaurella-Pendra-Marwahi (CG) for the offence punishable under Sections 363, 366 & 376 of IPC Sections 4 & 8 of POCSO Act.
3. As per prosecution case, the father of the prosecutrix lodged missing report at Police Station Marwahi to the effect that his minor daughter (prosecutrix) aged about 16 years was missing since 31.05.2020, upon which the police registered the offence under Section 363 of IPC against unknown person. During investigation, the prosecutrix was recovered from the possession of the applicant. The prosecutrix has stated that on pretext of marriage, the applicant committed sexual intercourse with her against her will.
4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He also

submits that the applicant is in jail since 06.06.2020 and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Considering the facts and circumstances of the case, considering the age of the prosecutrix i.e. 16 years and the offence registered under the aforementioned Sections of IPC & POCSO Act and material available on record, without expressing any opinion on merits of the case, this Court is of the opinion that present is not a fit case for releasing the applicant on bail. Accordingly, the application is rejected.

Sd/-
(Gautam Chourdiya)
Vacation Judge