

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7934 of 2021**

Naresh Kumar S/o Mangal, aged 46 years R/o Village Tonatar, P.S. Bhatapara (Rural), Distt. Balodabazar- Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through P.S. Bhatapara (Rural), Distt. Balodabazaar- Bhatapara (C.G.).

---- Respondent

For Applicant : Mr. Anchal Kumar Matre, Advocate
For Respondent : Ms. Seema Dixit, PL

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

27/10/2021

Heard.

1. The applicant has preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 373/2021 registered at Police Station- Bhatapara (Rural), Distt. Balodabazaar Bhatapara (C.G.) for the offence punishable under Section 342, 506 and 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences.
2. Case of the prosecution in brief is that the date of birth of victim/prosecutrix is 08/06/2007. On 16/10/2020 the applicant dragged the prosecutrix to his house and committed forcible sexual intercourse with

her. The applicant also threatened her not to disclose this fact or else he will kill her father.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The FIR has been delayed by 7 months. He further submits that the applicant had moved an application for DNA test of the fetus, but after filing of the application for DNA test, the father of the Prosecutrix has caused abortion to the prosecutrix so the DNA test could not be done. He further submits that the applicant is in custody since 21/08/2021 and trial is likely to take some time, therefore, he prays to release the applicant on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard counsel for the parties.
6. Considering the facts and circumstances of the case, particularly the statement of the prosecutrix recorded under Section 164 of the Cr.P.C and considering the seriousness and gravity of the offence, this Court is of the opinion that present is not a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Deepak Kumar Tiwari)
Judge