

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6184 of 2021**

- Jeetlal Agariya S/o Devkumar Agariya Aged About 18 Years R/o Village- Odari, Police Station-Chalgali, District Balrampur-Ramanujganj (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through- P.S. Trikunda, District-Balrampur- Ramanujganj (C.G.)

---- Respondent

For Applicant : Shri Vikas Kumar Pandey, Advocate
 For respondent/State: Ku. Anjali Singh Chouhan, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****29.10.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 08.11.2020 in connection with Crime No.78/2020 [Special Session Trial (POCSO) No.113/2020] registered at Police Station Trikunda, Distt. Balrampur Ramanujganj (C.G.), for the offence punishable under Sections 376(2-n) of the Indian Penal Code, 1860 (for short 'IPC') and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. Brief facts of the case are that on the pretext of marriage, the applicant physically abused/raped the minor victim/prosecutrix from April 2018 to till 08.11.2020 and thereafter he

refused to perform marriage with her. Therefore, the victim/prosecutrix lodged report against the applicant in Police Station Trikunda, on the basis of which, present FIR under Section 376(2-n) of IPC and Sections 4 & 6 of the POCSO Act has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent, he has been falsely roped in the offence due to previous enmity, FIR has been lodged after long time of the alleged incident and the applicant is in jail since 08.11.2020 and conclusion of the trial will take long time, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that it is a case of rape of minor victim/prosecutrix, trial is going on, hence, the applicant may not be granted bail.

5. I have heard learned counsel for both parties and perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of the offence, I do not feel inclined to grant bail to the applicant. Accordingly, application under Section 439 of the CrPC for grant of bail to the applicant is hereby rejected.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE