



2025:CGHC:15064

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2465 of 2025

1 - Pawan @ Palendra Ratre S/o Baburam Ratre Aged About 24 Years At - Village Madwadih, Ps Fingeshwar, District Gariyaband, Chhattisgarh

... Applicant

versus

1 - State Of Chhattisgarh Through Ps Fingeshwar, District Gariyaband, Chhattisgarh

---- Respondent

(Cause title is taken from the CIS)

For Applicant : Mr. Manoj Yadav, Advocate

For State-Respondent : Mr. Prajal Shukla, PL

Hon'ble Shri Justice Arvind Kumar Verma

Order on Board

28/03/2025

- 1.** This is the **second** bail application filed under Section 483 of the BNSS, 2023 for grant of regular bail. First bail application was dismissed as withdrawn vide order dated 17.01.2025. The applicant who has been arrested in connection with Crime No.192/2024

registered at Police Station Fingeshwar, District Gariyaband (C.G.), for the offence punishable under Sections 363, 366, 450, 376(2)(n) of IPC and Section 6 of the POCSO Act.

2. Case of the prosecution, in brief, is that maternal uncle of the prosecutrix lodged a written complaint on 08.06.2024 stating that the prosecutrix left home without intimation on 07.06.2024, based on which FIR bearing crime no. 192/24 u/s 363 of the IPC was registered against unknown person at the concerned p/s. During the course of investigation, the prosecutrix was recovered from the possession of the applicant. Thereafter, she was medically examined and her police statement along with statement u/s 164 CrPC was recorded. The applicant was arrested on 30.06.2024.
3. Learned counsel for the applicant contended that the Applicant has not committed any offence and he has been falsely implicated in the present case without any prima facie material to substantiate the allegations against him. The trial court has without considering the fact and material circumstances passed the impugned order rejecting the Applicant's bail application. He further contended that while deciding the bail application, tender age of not only the prosecutrix was to be seen, but the age of the applicant must also have been considered which was merely 20 years at the time of incident. The entire case of prosecution made against the present Applicant is false, baseless and fabricated as the same is based on incorrect facts fabricated by the police authorities. It is also necessary to highlight here that the

Applicant is not a hardened criminal and has no antecedents, the present one is the first case registered against him. The Applicant has not committed any offence and since material witnesses have deposed before the trial court, there is no apprehension of witness tempering hence, keeping the Applicant behind bars would not serve any purpose, that too in absence of anything material against the Applicant. It is further contended that the applicant is in jail since 30.06.2024 and the trial will take considerable time for its conclusion, therefore the applicant may be released on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts of the case, submission made by learned counsel for the parties and further considering that at the time of incident, age of the victim was 13 years and 02 months and the trial Court finds that the applicant has committed rape with the victim. Therefore, keeping in view the gravity of the allegation and the facts available at this stage in the case, it does not seem appropriate to grant bail to the applicant/accused, this Court is of the opinion that in view of the serious nature of the crime, it does not seem appropriate to grant bail to the applicant/accused, hence, it is not a fit case to enlarge the applicant on regular bail.
7. Accordingly, the bail application of the applicant filed under Section

483 of the BNSS, involved in Crime No.192/2024 registered at Police Station Fingeshwar, District Gariyaband (C.G.), for the offence punishable under Sections 363, 366, 450, 376(2)(n) of IPC and Section 6 of the POCSO Act, is rejected.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Arvind Kumar Verma)
Judge

Vasant