

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5782 of 2015

1. Binjwar Satnami, S/o. Manbodh Satnami, aged about 62 years (not mentioned in rejection order), R/o. Village Chamari, P.S. Bhatapara (Gramin), District – Baloda Bazar-Bhatapara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station – Bhatapara (Gramin), District Baloda Bazar-Bhatapara (C.G.)

---- Respondent

For Applicant : Mr. S.K. Guha, Advocate

For Respondent/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.186/2015, registered at Police Station – Bhatapara (Gramin), District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 377 of Indian Penal Code and Section 4 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 01.08.2015 at about 1200 PM, report was lodged that the applicant has committed unnatural sexual intercourse with the victim behind the shop.
3. Learned counsel for the applicant would submit that the doctors opinion do not support the prosecution case and the fact that according to the prosecution, five witnesses are present is completely

unnatural and anyone would have intervened and would have stopped the incident. He would further submit that the applicant has been falsely implicated in the case. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the statement of the victim and also the eye witnesses who has categorically stated about the happening of the incident and taking into the statement of the victim under Section 164 of Cr.P.C. I am not inclined to allow this application.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge