

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6718 of 2015

Pushpendra Patel, S/o Vinod Patel, Aged About 21 Years, Occupation- Private Teacher, R/o Cherhapara, P.S. Charcha, Civil & Revenue Distt. Korea, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O., Police Station- Charcha, Distt. Korea, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.81/2015, registered at Police Station- Charcha, District Korea (C.G.) for the offence punishable under Sections 450, 376(2)(h), 506 of I.P.C., Section 6, 14 of the POCSO Act and Section 65(e), 67(b) of the I.T. Act.
2. As per the prosecution case, in brief, the applicant on 20.04.2015 at about 10 PM entered into the room of the prosecutrix and committed sexual intercourse with her and also prepared a video of the incident on his mobile. Subsequently, on a report being made by the prosecutrix/victim, the case is registered.
3. Learned counsel for the applicant submits that initially the applicant was beaten by the family members of the victim on 08.08.2015 for which the report was also made and subsequently

on the next date on 09.08.2015 on the false allegation, the report has been made alleging that the incident happened on 20.04.2015; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have perused the case diary and the charge sheet, which shows that the report has been made and the mobile in which the video was prepared was seized. Taking into consideration the statement of the victim and the evidence available, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge