

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7223 of 2015

Jony Naik, S/o Gangaram Naik, Aged About 25 Years, R/o Village - Penwara, Police Station - Sariya, Tahsil - Baramkela, District – Raigarh, Chhattisgarh, Wrongly mentioned in the impugned order as R/o Rajiv Gandhi Nagar, Mithumuda, Raigarh, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh, Through the Police Station – Kotwali, Raigarh, District – Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Roop Naik, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

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.697/2015, registered at Police Station Kotwali, Raigarh (C.G.) for the offence punishable under Sections 376(2)(f)(g), 342, 506 of Indian Penal Code and Section 4, 5 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, in brief, on 10.09.2015, the applicant committed forceful sexual intercourse with the victim who was a minor girl of 11 years.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the medical report do not support the case of the prosecution. He further submits that the applicant has also not been named by the prosecutrix; therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the victim who is aged about 11 years as also the medical evidence. Taking into the statement of the victim wherein positive statement has been made about commission of offence, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge