

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6791 2015

1. Sumit Meshram @ Sonu, S/o. Rajkumar Meshram, aged about 19 years, R/o. Aamgaon, Sarkar Tola, District – Gondiya (Maharashtra).
Present R/o. - Gogaon, Bajrang Nagar, (Beside of Raju Kirana Store), Raipur, Post Office-Raipur, Police Station – Gidhiyari, District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station – Urla, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/12/2015

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.289/2014, registered at Police Station – Urla, Raipur, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of I.P.C. & Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made that the victim below the age of 18 years was enticed by the applicant and went out to different places and sexual intercourse was committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not committed any offence. He would further submit that the victim and her mother has been examined and they have not supported the case of the

prosecution. He would further submit that the applicant is in jail since 25.12.2014, 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. I have gone through the statement wherein the victim was examined and declared hostile and she was cross-examined. Appreciation of evidence has to be made by the Trial Court, which can not be done at the stage of bail and considerable part of evidence has been made, without any observation on merit, 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

Balram