

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7150 of 2015

1. Dharmendra @ Choti Yadav, S/o. Kaleshwar Yadav, aged 19 years, R/o. Village Chhaphal, P.S. & Tehsil – Lormi, Civil District – Bilaspur and Revenue District – Mungeli (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer – Lormi, Civil District – Bilaspur and Revenue District – Mungeli (C.G.)

---- Respondent

For Applicant : Mr. Pallav Mishra, Advocate

For Respondent/State : 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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.250/2013, registered at Police Station – Lormi, District – Mungeli (C.G.) for the offence punishable under Section 377 of I.P.C. and Section 6 (wrongly mentioned as Section 4) POCSO Act.
2. Case of the prosecution, in brief is that, on 23.07.2013 a report was made by the complainant, Ramesh Kumar that his son aged about 10 years, while coming from the school, the applicant caught hold of and committed unnatural sexual intercourse of sodomy.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and due to previous enmity between the parties the applicant has been named in the FIR. He

would further submit that the FIR is grossly belated, therefore, it can not be relied on. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 24.07.2013 and therefore, he 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 of the victim and the medical report, which is positive in nature, which supports the case of the prosecution and considering the fact that the age of the victim is 10 years, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Balram