

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3117 of 2016

1. Suresh Yadav, S/o. Kashi Ram Yadav, aged about 35 years, R/o. Village-Debada, P.S. Patan, District-Durg (C.G.) at present Village-Anjora, Near Kabir Kuti, P.S. - Somani, District- Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, P.S.- Somani, District- Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. N.K. Chatterjee, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/06/2016

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.22/2016, registered at Police Station – Somani, District- Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376, 511, 342 of the Indian Penal Code and Section 6 of POCSO Act.
2. Case of the prosecution, in brief, is that the applicant took away the minor girl from the custody of her parents, who was mentally retarded. Thereafter, while the applicant was committing forceful intercourse, he was caught and the report was made. Subsequently on investigation the offence is found to be committed.
3. Learned counsel for the applicant submits that the statement was recorded by the Police Station Lalbag and the report was made to the Police Station Somni and how it is being recorded by the police station

– Lalbag, the prosecution is silent, therefore, the applicant has been falsely implicated in this case. It is further submitted that the prosecutrix/girl has not been sited as a witness, which would lead to show that the applicant has been falsely implicated in this 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.
6. Perused the statement of the complainant, Payal Sen. It is stated that when the girl was crying, he opened the door, wherein the applicant was seen and he was committing forceful intercourse and the girl was mentally retarded. Considering the statement of the complainant, as the girl was stated to be mentally retarded, this Court is 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