

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3205 of 2016

Premal Mesharam, S/o. Umendra Ram Meshram, Aged About 36 Years,
R/o. College Road, Kohka, Thana - Dongargaon, Distt. - Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Thana- Dongargaon, Distt. -
Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/06/2016

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.396/2014 registered at Police Station Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and 4 & 8 of Protection of Children from Sexual Offence Act.
2. As per the prosecution case, a report was made by the father of the victim on 10.12.2014 that his minor girl was taken away from the lawful guardianship and subsequently she was recovered from the possession of the present applicant and on investigation it would reveal that the minor girl was subjected to forceful sexual intercourse.
3. Learned counsel for the applicant would submit that the father of the victim and the victim has been examined and perusal of the

statement and cross-examination would reveal that no offence has been committed by the applicant, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. After going through the statement, it would not be proper to evaluate the evidence at this stage, as it would amount to trial. The entire facts are to be ascertained after evaluating all the evidence before the Court, therefore, taking into such fact and the statement, 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