

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3648 of 2016

- Tapas Bose @ Balai Bose S/O Tarapad Bose Aged About 35 Years
R/O Purana Bazar, Ward No. 2, Tahsil & Thana Pakhanjore, Distt.
U. B. Kanker Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through, Police Station Pakhanjore,
Distt. U. B. Kanker Chhattisgarh.

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.07.2016

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 on 07-04-2016 in connection with Crime No. 40 of 2016, registered at Police Station Pakhanjore, District U.B. Kanker (CG) for the offence punishable under Sections 363, 354, 506 of IPC and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 31-3-2016 victim girl aged about 13 years went to Bhajan Kirtan place, at that time the applicant came and told that her father met with an accident and asked her to accompany him. When he was taking the victim on his motor-cycle, the victim realized that she was being taken on false pretext, she shouted and jumped from the motor-cycle.
3. Learned counsel appearing for the applicant would submit that only the applicant has been falsely implicated in the case, charge sheet

has been filed, the applicant is in jail since 7-4-2016 and no further investigation is necessary, therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel opposing the prayer for grant of bail would submit that there is sufficient evidence to connect the applicant with the crime in question.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts of the case, degree of offence and nature of allegation leveled against the applicant, the manner in which the offence was committed and further considering the age of the victim girl who was 13 years old, 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 liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju