

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4102 of 2016

- Venudhar Yadav S/O Jogto Ram Aged About 24 Years Caste - Mahkul, R/O Village - Bhalumunda, Tahsil - Kurdeg, District - Simdega (Jharkhand)

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station - Out Post - Dokda, Police Station - Kansabel, District - Jashpur Chhattisgarh

---- Respondent

For Applicant : Mr. J.K. Saxena, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2016

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 24-02-2016 in connection with Crime No. 22 of 2016, registered at Police Station Outpost Dokda, PS Kansabel, District Jashpur (CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Sections 4, 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 8-2-2016 a missing report was lodged by the father of the victim that her daughter, who is a minor girl, was missing from 5-2-2016. Subsequently she was recovered on 24-2-2016 and on investigation, it was found that the applicant enticed the minor girl, took her away from the lawful guardianship of her parents and thereafter he committed sexual intercourse with her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the statement of the prosecutrix which was recorded under Section 161 of the Cr.P.C, on 24-02-2016 would show that the applicant has not committed any sexual assault. He would further submit that the applicant has been falsely implicated in the case, charge-sheet has been filed in this case, he is in jail since 24-2-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail and there is sufficient evidence to connect the applicant with the crime in question, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix recorded under Section 161 and 164 of the Cr.P.C. In the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., allegations of sexual assault have been attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and considering the statement of the prosecutrix recorded under section 164 of the Cr.P.C., I am not inclined to release the applicant on bail.
8. 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