

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4660 of 2016

Anwar @ Sasuddin, S/o. Ahmad Ansari, Aged About 32 Years, R/o. Village Khargu, P.S. Barakatha, District Hazaribag, Jharkhand. At Present R/o. Power Grid Taga, P.S. Mulmula, District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Mulmula, District Janjgir-Champa, Chhattisgarh.

---- Respondent

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

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.08.2016

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.09/2016 registered at Police Station- Mulmula, District Janjgir-Champa (C.G.) for the offence punishable under Section 376 of Indian Penal Code & Section 4 of Protection of Children from Sexual Offences.
2. As per the prosecution case, a report was made by the mother of the victim girl of 10 years that the present applicant on 22.01.2016 took away the girl to his house and thereafter committed forceful sexual intercourse with her.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the allegation of rape is not supported by the medical evidence and therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix, who is 10 years of age, under Section 161 & 164 of Cr.P.C. Perusal of the medical report shows that for confirmation, it has been sent for forensic expert report. Considering the statement, at this stage, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok