NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7764 of 2015

1. Suraj Mandavi. S/o. Sukhram Mandavi, aged about 22 years, R/o. Bhagwat Chouwk, Labour Camp, Jamul, Police Station : Jamul, Revenue and Civil District : Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Jamul, District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/01/2016

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.120/2015, registered at Police Station – Jamul, District – Durg (C.G.) for the offence punishable under Section 363, 354 क of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that 20.03.2015, the mother of the victim went to perform the job of labour and in the house her son and daughter aged about 5 years were present. Subsequently when she came back, her daughter was sleeping and on enquiry it was revealed on 21.03.2015 that the applicant took the girl of 5 years to her home and opened all the garments and tried to commit intercourse while she starting crying, the applicant left the victim and fled away.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 22.03.2015, 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 and perused the case diary.

6. Perused the statement of the victim, aged about 5 years. Perusal of the statement under Section 164 of Cr.P.C., it appears that positive statement has been made about the commission of offence. Considering the age of the victim and the way the offence is committed, 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

Balram