

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3807 of 2016

- Gajesh Kumar @ Gajendra Sahu S/o Late Kaushal Sahu Aged About 24 Years R/o Village Kaitha, Police Station Bilaigarh, Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh.

---- Applicant (In jail)

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh.

---- Non- Applicant

For Applicant : Shri Janakram Verma, Advocate
For Respondent/State : Shri Neeraj Jain, GA

Hon'ble Shri Justice Goutam Bhaduri
Order on Board

22.08.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 345 of 2015, registered at PS Bilaigarh (CG) for the offences punishable under Sections 363, 366 and 376 of the IPC & Sections 4, 6 and 10 of the Protection of Children from Sexual Offences Act, 2012.
- 2) Case of the prosecution, in brief, is that a missing report was made by father of the prosecutrix, a minor girl on 10.12.2015. Thereafter, she was recovered on 15.12.2015 from the forest and was in possession of the present applicant. Investigation report was made in which it was revealed that the girl was subjected to forceful sexual intercourse, thereby the offence has been committed.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. The prosecutrix was recovered from the forest and the medical report does not

support case of the prosecution. Charge-sheet has already been filed in this case and no further investigation is required and he is in jail since 24.12.2015, therefore, he may be enlarged on bail.

- 4) Per contra, learned State Counsel opposes the prayer for grant of regular bail to the applicant.
- 5) Heard learned counsel for the parties, perused the record as well as the statement of the prosecutrix and medical report.
- 6) Having regard to the facts and circumstances of the case, the manner in which the offence is committed; considering the gravity of the offence; and further taking into consideration the statement of prosecutrix and medical report, I am not inclined to release the applicant on bail.
- 7) Accordingly, the bail application is rejected.

Sd/-

(Goutam Bhaduri)
JUDGE