

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2099 of 2016

1. Roop Kumar Sharma, S/o. Shri Manju Ram Sharma, aged about 56 years, R/o. Sundripara, Mova, Post Office-Raipur, Police Station – Pandri, Raipur, District-Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Pandri, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/04/2016

1. This is the third 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.233/2015, registered at Police Station – Pandri, District – Raipur (C.G.) for the offence punishable under Section 354 (A) of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012. The first bail application was dismissed as withdrawn vide order dated 27.10.2015 in M.Cr.C.No.5589/2015 and the second bail was dismissed on merits vide order dated 23.12.2015 in M.Cr.C.No.7200/2015.
2. Case of the prosecution, in brief, is that a report was made by the mother of victim that on 26.09.2015 at about 5 p.m., her husband has gone on some duty. Her two children Tikeshwar and victim daughter aged about 5 years were playing outside the house. When the

complainant has gone to the roof of her house, she saw the auto which was standing on a plain area in front of her house. She saw that in the auto, her daughter aged about 5 years was made to sit on the thigh of the applicant and on raising alarm, the victim came to her mother and started weeping. On being inquired from her daughter, it was stated that applicant asked her to touch his private parts.

3. Learned counsel for the applicant submits that the prosecution witness has demanded Rs.10.00 lakhs from the applicant for which a report was made. He further submits that that the applicant has been falsely implicated in this case and the applicant is in jail since 27.09.2015, therefore, he 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.
6. Admitting the averments of applicant at this stage would lead to complete injustice and defence can be raised before the Court below and during cross-examination the case of prosecution can be dismissed. Apparently at this stage there is no change of circumstances appears. Considering the age of minor girl of five years and nature of allegations, 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 dismissed.

Sd/-
(Goutam Bhaduri)
Judge