

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2847 of 2016

Suleman, S/o. Laxman, Aged About 21 Years, Caste Uraon, Occupation Labour, R/o. Village Askara, Post Kamleshwarpur, P.S. Kamleshwarpur, District Surguja, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Kamleshwarpur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/06/2016

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.56/2015 registered at Police Station- Kamleshwarpur, District Surguja (C.G.) for the offence punishable under Section 363, 366, 376, 506-B of IPC and Section 3 & 4 of the Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that a report was made on 03.12.2015 that the applicant when used to pass comments on the victim and when it was reported to the mother & father of the applicant, the applicant one day caught hold of the victim and dragged her to the forest and thereafter committed sexual intercourse. Thereby, the offence is committed.
3. Learned counsel for the applicant submits that the date of incident is vague. The report was made on 03.12.2015, which was delayed and the false allegations have been leveled against the applicant

and the fact that victim was dragged was not supported by any medical evidence, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim as also the statement of Pauri Bai whereby they have supported the happening of the incident. Taking into such statements and the fact that the victim is minor, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge