

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3290 of 2016

- Shivshankar Chakradhari S/O Umend Kumar Aged About 23 Years
Caste - Kumhar, R/O Bade Aani, Police Station - Baikunthpur,
District - Korea Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police
Station Baikunthpur, District - Korea Chhattisgarh

---- Respondent

For Applicant : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mr. Neeraj Kumar Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.07.2016

1. This is 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 on 27-01-2016 in connection with Crime No. 131 of 2016 registered at Police Station Baikunthpur, District Korea (CG) for the offence punishable under Sections 376, 506. 323, 363, 366, 376(2)(1) (4) of IPC and Sections 4, 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 15-5-2015 a report was made by the prosecutrix that on 13-5-2016 at about 7.30 p.m., when the prosecutrix, who was a minor girl, was returning to her house, on the way the applicant stopped her, caught hold of her hand and forcibly took her to the field of one Umesh where he committed forcible sexual intercourse

with her and thereafter he threatened her with dire consequences if she would disclose the incident to anyone and thereby he committed the aforesaid offence.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case. He would further submit that medical report of the prosecutrix does not support the prosecution case, charge-sheet has been filed and the applicant is in jail since 27-01-2016, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Perused the statement of the prosecutrix who apparently appears to be shown 13 years old minor girl at the time of incident.
7. Taking into consideration all facts and circumstances of the case, nature and gravity of the offence and further considering the statement of the prosecutrix, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed

Sd/-
(Goutam Bhaduri)
Judge

Raju