

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3142 of 2016

1. Shivkumar Ram, S/o. Parmeshwar Ram, aged about 20 years, By Caste- Gayar, R/o. Village-Puranaibandh, Tahsil – Farsabahar, District-Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S.- Tapkara, District- Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Vivek Tripathi, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/06/2016

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.125/2015, registered at Police Station – Tapkara, District- Jashpur (C.G.) for the offence punishable under Section 376 of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that from the month of April, 2015 to October, 2015, the applicant committed forceful intercourse with the minor girl. Subsequently the matter was reported. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and the prosecutrix has been examined before the trial Court, wherein she has not supported the case of the prosecution as per para-6 of her deposition. It is further submitted that

incident was happened in the month of April, 2015 and the report was made in October and there is delay in lodging the FIR, 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.
6. Perused the statement of the prosecutrix examined as PW-1. After evaluating the statement at this stage, 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