

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3184 of 2016

Rajnarayan @ Gudwa Paswan, S/o. Late Shri Ramayan Paswan, Aged About 37 Years, R/o. Village Bada, P.S. Shankaragarh, Distt. Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kusmi, Distt. Balrampur-Ramanujganj, Chhattisgarh.

(Note:- Name of P.S. has wrongly been mentioned as Shankargarh in the cause title of rejection order.)

---- Respondent

For Applicant : Mr. D.K.Gwalre, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.07.2016

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.9/2016 registered at Police Station- Kusmi, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 5(८) & 6 of POCSO Act, 2012.
2. Case of the prosecution, in brief, is that the applicant on the allurement of the marriage committed forceful sexual intercourse with the prosecutrix and she became pregnant and delivered a Baby. Subsequently, the applicant refused to marry and disowned the paternity.
3. Learned counsel for the applicant would submit that the incident was said to be in the month of September, 2015 and initially the

name of Bittu was written and subsequently after five months name of the present applicant was written and therefore the applicant has been falsely implicated. It is further submitted that identity of the applicant is in serious doubt therefore under the facts of this case, the applicant may be released on bail as no further investigation would be necessary.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement wherein categorical allegations have been made against the applicant and further considering the fact that earlier name of Bittu was written because of the pressure created by the applicant and the prosecutrix was further identified the present applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge