

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3208 of 2016

1. Saleem Khan, S/o. Yakub Khan (wrongly mentioned as Sherkhan), aged about 19 years, R/o. At Annapurna Para Kanker, P.S. - Kanker, Revenue and Civil District – North Bastar Kanker (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station, Kanker, District- North Bastar Kanker (C.G.)

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

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.41/2016, registered at Police Station – Kanker, District- North Bastar Kanker (C.G.) for the offence punishable under Section 377 and 511 of Indian Penal Code, U/s. 4 of the Protection of Children from Sexual Offences Act, 2012 and U/s. 3 (i) (iii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that on 21.02.2016, the applicant took the boy aged about 4 years and offered him chocolate, thereafter took him in a dilapidated house and tried for sodomy and the boy having cried, he fled away. Subsequently, the report was made by the father of the victim against the applicant, who was the neighbour.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that charge-sheet in this case has been filed and the medical report do not support the happening of such incident, therefore, under the facts and circumstances, 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 case diary and the statement. Considering the statement of the victim, who is a boy of four years and considering the way the offence has been committed, 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