

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3320 of 2016

Sonu @ Kamlesh Nisad S/o Kishan Lal Nishad, Aged About 25-26 Years Occupation Private Job R/o Urdana Road Dindayal Colony Near Kosabadi, Raigarh, Tahsil & District Raigarh Civil & Revenue District Raigarh (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Thana In Charge City Kotwali, Raigarh (Chhattisgarh).

---- Respondent

For applicant - Shri Rajendra Tripathi, Advocate.
For Respondent/State – Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.20/2016 (not mentioned in impugned order) registered in Police Station City Kotwali Dist Raigarh (C.G.) for offence punishable under sections 363, 366, 376 & 377 of IPC and Section 4 of POCSO Act and Section 3(1)(12), Section 3(2)(5) of SC/ST Act. (Not mentioned in impugned order).
2. As per the prosecution case, on 5/01/2016 when the prosecutrix had gone to answer call of nature, at that time applicant caught hold of her and thereafter took her to the forest and committed forceful sexual intercourse as also committed unnatural sex. Thereby, offence is committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case because of the previous enmity, charge sheet has been filed, therefore no further evidence is necessary, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix aged about 15 years.

Taking into such statement of the prosecutrix wherein positive statement has been made of unnatural sex, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE