

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3488 of 2016

- Bandu @ Sidar Gajbhiye S/o Late Mansa Ram Aged About 32 Years R/o Rajeev Nagar, Police Station Tahsil & District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through District Magistrate, District Durg, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Goutam Khetrapal, Advocate
For the Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 966 of 2015 registered at P.S. Durg, Distt. Durg (C.G) for the offence punishable under Sections 376, 511 of IPC and Section 4(A) of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was lodged by the one Santosh Nishad stating that on 25.11.2015 when his daughter aged about six years went to buy snacks in the shop of accused along-with a neighbor boy Bhuvan Thakur, the accused applicant took them into the room and closed the doors and thereafter committed sexual intercourse with the girl.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no offence has been committed. It is also submitted that the charge sheet in this case has been filed and no further evidence is required, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the girl wherein positive allegations have been made against the applicant. Taking into such statement, I am not inclined to allow this bail application. Accordingly it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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