

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4016 of 2016

- Ashwin Bhakte @ Soni S/o Shri Rajendra Soni Aged About 20 Years Wrongly Mention Ramesh Bhakte, R/o Qtr. No. 408, Block B, Aapi Apartment, Arya Palace, Mahoba Bazar, P.S. Amanaka Raipur, Municipal Corporation, Tahsil & District Raipur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the District Magistrate, Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. P.K.C Tiwari, Sr. Advocate with Mr. Kripesh Kela, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2016

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. 100/2016 registered at P.S. Amanaka, Raipur (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 20.04.2016 the applicant enticed the minor girl and took her away to different places i.e., Nagpur, Manmad and Pachmadi and she was subjected to rape by the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and nothing has been stated in the statement of the girl. He further submits that looking to the way the applicant moved with the prosecutrix, , it cannot be said that the case would fall within

the terms of offence. It is further submitted that the charge sheet in this case has been filed and no investigation is necessary and the applicant is in jail since 06.05.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of prosecutrix recorded u/s 161 & 164 Cr.P.C., wherein the allegations of sexual intercourse are made.
6. Considering such statements of the prosecutrix, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**