

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5039 of 2016

1. Pradeep Jhariya, S/o. Shri Jaglal Jhariya, aged about 26 years, R/o. Village Barod, P.S. & Tahsil Gharghoda, District -Raigarh, Civil and Revenue District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Gharghoda, District – Raigarh (C.G.).

---- Respondent

For Applicant	: Mr. M.K. Sinha, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy.Govt. Advocate
For Objector	: Mr. Rajendra Tripathi, Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

31/08/2016

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.107/2016, registered at Police Station – Gharghoda, District- Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made by the father of the prosecutrix on 02.05.2016 alleging that the applicant enticed away the minor girl from lawful custody of her parents, who is brother-in-law (Jija) of the victim and when the girl was recovered it was revealed that the victim was kept in the forest and the applicant has committed forceful intercourse. Thereby the offence

has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and perusal of the statement under Section 164 would reveal that she has not attributed any allegation against this applicant and the false allegation have been made, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State as well as counsel for the objector opposes the bail application and submit that victim was enticed away by the applicant and sexual intercourse was committed.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and the statement recorded under Section 161 of Cr.P.C.. Taking into such statement recorded under Section 161 of Cr.P.C., 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