

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5061 of 2016**

- Danvaijya Dinkar S/O Tulsiram Dinkar Aged About 30 Years R/O Kelavihar Colony, Quarter No. 960/85 Post - Chakradhar Nagar, District - Raigarh Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bijapur, District Bijapur, Chhattisgarh

**---- Respondent**

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For Applicant : Mrs. Anju Ahuja, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.  
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**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 for grant of regular bail to the applicant who has been arrested on 6-2-2016 in connection with Crime No. 11 of 2016, registered at Police Station Bijapur, District Bijapur (CG) for the offence punishable under Sections 376 (ch) of the IPC and Section 5(ch) of the Protection of Children from Sexual Offences Act, 2012.
2. The case of the prosecution, in brief, is that the applicant is a Badminton coach of the victim girl. On 6-2-1016 a report was made by the prosecutrix that on 29-1-2016 when the prosecutrix was playing badminton, she went to the room of

the applicant and was offered by the applicant to drink some water. When the prosecutrix consumed the water, she became unconscious and when she regained conscious, she realized that she was subjected to forcible rape.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case. In the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., entire allegations have been attributed to one Shukla Sir and not to the present applicant. It is further submitted that the place where the incident happened is a stadium where such kind of incident is not possible. She would further submit that subsequently, prosecutrix has given a written communication wherein Shukla Sir was given a complete clean chit and was exonerated of the charges. Referring to the statement of Smt. Laxmi, who is mother of the prosecutrix, counsel for the applicant would submit that if the statement of the prosecutrix is evaluated, then it would show that false allegations have been made against the applicant. It is submitted that a suicidal note was found wherein no allegations were attributed to the applicant. It is further submitted that charge-sheet has been filed in this case, the applicant is in jail since 6-2-2016 and no further investigation is required, therefore, the applicant may be enlarged on bail.
4. *Per contra*, learned State counsel opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Perused the statements of the prosecutrix aged about 14 years, wherein entire allegations have been attributed against the present applicant in the statement recorded under Section 161 of the Cr.P.C., and the statement recorded under Section 164 of the Cr.P.C., also do not exonerate the present applicant.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering the statements of the prosecutrix wherein positive allegations have been clamped on applicant, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju