

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5617 of 2016

- Chandra Shekhar S/O Mangal Singh Gond, Aged About 25 Years R/O Village Sirri, P.S. Pasan, District Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through State Of Chhattisgarh Through- Police Station Pasan, District Korba, Chhattisgarh

---- Respondent

For Applicant : Mr. Vikas Pandey, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-09-2016

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 22-08-2015 in connection with Crime No. 58 of 2015 registered at Police Station Pasan, District Korba (CG) for the offence punishable under Sections 341, 506, 323, 376 of the IPC and Section 5 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 21-8-2016 a report was made by Monkunwar Bai, mother of the prosecutrix that her minor girl was subjected to forcible sexual intercourse by the applicant on 19-8-2016 and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case. Since there was some dispute existing in between the family members of the prosecutrix and family members of the applicant, false allegations have been attributed to the present applicant. He would further submit that charge-sheet has been

filed, the applicant is in jail 22-8-2015 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the victim girl, who is shown to be the age of 14 years, in which positive allegations have been attributed to the present applicant
7. Taking into consideration facts and circumstances of the case, nature and gravity of the offence and further considering the statement of the victim girl in which positive allegations have been attributed to the present applicant, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju