

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6220 of 2016

- Devram Sonkar S/O Laxminarayan Sonkar, Aged About 20 Years
R/O Nandai Sonkar Para, Police Station Basantpur, Tahsil And
District Rajnandgaon, (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Basantpur, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Aditya Bhardwaj, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-10-2016

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 4-7-2016 in connection with Crime No. 149 of 2016, registered at Police Station Basantpur, District Rajnandgaon (CG) for the offence punishable under Sections 456, 376, 511 of IPC and Sections 8 & 10 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, a report was made by the complainant Munni Bai, who is grand-mother of the victim girl that on 3-7-2016 when her grand daughter aged about eight years was sleeping at about 1 O' clock in the night and tried to commit rape on her. When the victim girl raised alarm, she woke up and saw that the applicant was sitting nude in front of her grand daughter and he had also taken out the clothes of her grand daughter and on seeing her, the

applicant fled away from the spot 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 and he has not committed rape on her and due to previous enmity false have been attributed to the present applicant. He would further submit that the story as projected by the prosecution that the applicant was sleeping beside the victim girl is completely improbable. He would further submit that the charge-sheet has been filed in this case, he is in jail since 4-7-2016 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 statements of the victim girl who is aged about 8 years recorded under Sections 161 and 164 of the Cr.P.C., wherein positive allegations have been attributed to the applicant.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering the statement and age of the victim girl, 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