

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8232 of 2016

1. Laxman Kant, S/o. Pardeshi Ram Kant, aged 57 years, R/o. Village-Malhar, Police Station – Masturi, District – Bilaspur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the Station House Officer, Police Station – Masturi, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Malay Shrivastava, Advocate
For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2016

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.377/2016, registered at Police Station – Masturi, District – Bilaspur (C.G.) for the offence punishable under Section 377, 342/34 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012
2. Case of the prosecution, in brief, is that a report was made by few of the victim on 01.10.2016 that in between 03.07.2016 to 03.08.2016, the applicant called one of the *Tantrik* to perform witchcraft in his house and few of the boys they were called at the separate point of time and were subjected to unnatural sex and fear was extended that if they do not cooperate, their parents would die. Subsequently, the report is made. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that no allegation of unnatural sex can be attributed to the present applicant and it has been done by *Tantrik* who tried to commit witchcraft and the allegations of unnatural sex is attributed to him. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and statement of few of the victim minor boys, which shows that all the acts was done in the house of the present applicant in his presence. Taking into such fact and the role played by the present applicant, 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