

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6686 OF 2017

Ramnarayan Gond, S/o Late Bhagat Gond, aged about 55 years, R/o Rajkheta, Police Station- Basantpur, District Balrampur-Ramanujganj (CG)

... Applicant

versus

State of Chhattisgarh, through the Station House Officer, Police Station- Basantpur, District Balrampur-Ramanujganj (CG)

... Respondent

For Applicant	:	Mr. D.N. Prajapati, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/12/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 19.3.2016 in connection with Crime No.26/2016 registered at Police Station- Basantpur, District Balrampur-Ramanujganj, for the offence punishable under Section 376 of IPC and Section 6 of the POCSO Act, 2012.
2. Case against the Applicant as per the prosecution is that the Applicant is said to have raped the prosecutrix, a 2½ years old child.
3. Learned Counsel for the Applicant submits that it is a case of false implication, as there was a land dispute between the parties and therefore to settle the score the Applicant has been falsely implicated in the instant case. He further submits that taking into consideration the duration of custody undergone and the medical evidence which does not support the rape, the Applicant may be released on bail.
4. Learned Counsel for the State however opposing the bail application submits that the nature of crime is too heinous and the Prosecutrix is just a minor of 2½ years of age and therefore the Applicant does not deserve to be released on bail.

5. Considering the facts and circumstances of the case, particularly the age of the Prosecutrix i.e. 2½ years and there being no strong case made out for false implication, this Court is of the opinion that prima facie no strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is rejected.

Sd/-
(P. Sam Koshy)
Judge

/sharad/