

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7115 of 2017**

Bharatdwaj @ Bhardwaj Nishad @ Rahul @ Chotu S/o Shri Kheduram Aged About 28 Years R/o Village Salka, Police Station Sirgitti, Tahsil & District Bilaspur Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh Through The Police Station Sirgitti, District Bilaspur Chhattisgarh.

---- Respondent

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|---------------|---|------------------------------------------|
| For Applicant | : | Shri Ritesh Verma, Advocate              |
| For State     | : | Shri Chandresh Shrivastava, Panel Lawyer |

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**24/11/2017**

Heard.

1. This the second bail application of the applicant. His earlier bail application was dismissed as withdrawn.
2. The applicant has been arrested in connection with Crime No.315 of 2015 registered in Police Station- Sirgitti, District- Bilaspur (C.G.) for alleged commission of offence under Sections 363, 366, 376 IPC and Sections 5 & 6 of the Protection of Children from Sexual Offences Act 2012.
3. Case of the prosecution, in brief, is that the applicant and other co-accused kidnapped and committed rape on the prosecutrix who is stated to be minor in age.
4. Learned counsel for the applicant would submit that the story of the prosecution as against the present applicant is wholly improbable and

unbelievable. He would submit that there is contradiction in the FIR and statement of the prosecutrix and therefore the testimony of the prosecutrix is liable to be disbelieved. He would further submit that as the prosecutrix has been examined, therefore, at this stage, the applicant may be granted bail as he is in jail since 15.9.2016.

5. On the other hand, learned counsel for the State, opposing the bail application, submits that looking to the nature and gravity of allegation, the applicant may not be released on bail.
6. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the nature and gravity of offence against the applicant, I am not inclined to grant bail to the applicant.
7. The application is therefore rejected.

Sd/-  
**(Manindra Mohan Shrivastava)**  
Judge