

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7245 of 2017

- Chandraprakash Sahu @ Golu S/o Shri Chunuram Sahu, Aged About 22 Years, R/o Village Nawapara, P. S. Gidhuri Tundra District Balanda Bazar-Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station Gidhuri Tundra District Balanda Bazar-Bhatapara Chhattisgarh

---- Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant was arrested on 19-06-2017 in connection with Crime No.21/2017 registered at P.S. Gidhuri Tundra, District Balanda Bazar-Bhatapara, C.G. for the offence under Section 363, 366, 376 of the IPC and under Section 4 of the Protection of Children from Sexual Offences Act, 2012. The applicant had been discharged from the offence punishable under Section 3(2)(5), 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The complainant in this case has given statement before the trial Court in favour of the applicant, hence, on this ground the applicant deserves to be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the prosecutrix has supported the case in her examination-in-chief before the trial Court and statement given by her in cross-examination cannot be appreciated by this Court. Hence, it is prayed that the application may be dismissed.

4. Heard learned counsel for the parties and perused the case diary.

5. The case against the applicant is this that the applicant enticed and abducted the prosecutrix aged, about 13 years, on 14-06-2017 and thereafter keeping the prosecutrix in confinement he also had sexual intercourse with her. After the recovery of the prosecutrix, the case has been registered against the applicant.

6. Considered on the submissions made and contents of the case diary. Taking into consideration the age of the prosecutrix and that the statement given by the prosecutrix in cross-examination has to be appreciated by the trial Court and that cannot be appreciated while considering on bail application, for these reasons, the application filed by the applicant for grant of regular bail deserves to be dismissed.

7. Accordingly, the application (MCRC No.7245/2017) is hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge