

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.854 of 2017

- Kushal Sahu S/o Pilaram Sahu Aged About 27 Years R/o Village Bhendarwani, Police Station Saja, District Bemetara, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Saja, District Bemetara, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri P. P. Sahu, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/02/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.231/2016 registered at Police Station Saja, District Bemetara for the offence punishable under Section 450, 376, 506, 313, 34 of IPC and Section 3, 4, 5-h(11) & 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant committed rape on the prosecutrix, who is minor.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he has not committed any such offence. It is submitted that there is a delay in lodging the FIR. It is lastly submitted that as the investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of

bail on the submission that the prosecutrix has made allegation of commission of sexual intercourse against the applicant, therefore prima facie case is made out against the applicant.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 Cr.P.C., at this stage, I am not inclined to grant bail to the applicant.

7. Accordingly, the application is rejected.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E