

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.359 of 2017

- Rishi Kumar Jatvar S/o Nirmal Kumar, Aged About 30 Years Caste- Satnami, R/o Village- Saraipali, Police Station- Saraipali, District- Mahasamund Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through- Police Station- Fingeshwar, District- Gariyaband Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Hemant Kesharwani, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/01/2017

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.112/2016 registered at Police Station Fingeshwar, District Gariyaband for the offence punishable under Section 354, 325, 506, 456, 326 of IPC and Section 7 & 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 6 of Tonhi Pratadana Adhiniyam.

3. Case of the prosecution is that the applicant caught the prosecutrix, who is 15 years of age and pressed her cheeks so much so that her tongue protruded and thereafter he cut her tongue from his own teeth.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated and he was assaulted by the family members of the prosecutrix and as a counter case, offence has been registered. He submits that the injury sustained by the prosecutrix is old one and therefore, the allegation that the applicant had caused grievous injury to the prosecutrix, is not probable.

It is lastly submitted that the applicant is a person of unsound mind and therefore, in these circumstances, 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 statement of the prosecutrix recorded under Section 164 Cr.P.C. before the Court read with MLC report makes out a prima facie case of commission of offence is made out against the applicant, therefore, the applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the grievous injury sustained by the prosecutrix and looking to the nature of overt act committed by the applicant and the age of the prosecutrix, I am not inclined to grant bail to the applicant.

7. In the result, the application is rejected. Considering that the applicant is in jail since 30-09-2016, the trial Court is directed to expedite the trial.

Sd/-

(**Manindra Mohan Shrivastava**)

J U D G E