

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1822 of 2017**

- Buntty @ Narendra Sinha S/o Yomlal Sinha, Aged About 24 Years R/o, Village- Semriya Police Station- Vidhan- Sabha, & District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: It S Police Station Vidhan Sabha, Civil & Revenue District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri B.L. Sahu, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03/4/2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No. 234/2015 registered at Police Station Vidhan Sabha, Civil & Revenue Distt. Raipur for the offence punishable under Sections 363, 366 & 376 (2) (i) IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicant submits that the charge sheet has been filed and the matter is pending before the Additional Sessions Judge, Raipur(CG) registered as Special S.T. No. 280/2016. The applicant is an innocent person. Statement of the prosecutrix was recorded before the trial Court on 9.2.2017 in

which she turned hostile and has not supported the case of prosecution. As the prosecutrix turned hostile, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard the counsel for the parties and perused the material.

6. This is not the forum to appreciate the evidentiary value of PW1, the prosecutrix and the fact that under other provisions of law the applicant is being tried. As per charge sheet, the prosecutrix was minor. The evidence of other witnesses also has to be recorded.

7. On due consideration on the basis of material collected by the prosecution against the applicant, I am not inclined to grant bail to the applicant.

8. Consequently, instant MCRC is dismissed.

Certified copy as per rules.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**