

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.2285 of 2017**

- Vimlesh @ Raju Yadav S/o Late Shri Bhaiyalal Yadav, Aged About 26 Years R/o Village- Isapur Patti, Police Outpost- Navrangpur, Thana- Gurusahayganj Civil & Revenue District- Kannouj, (Uttar- Pradesh) .

---- Applicant

**Versus**

- State Of Chhattisgarh Through: Station House Officer Police Station Gharghoda, Civil & Revenue District- Raigarh, Chhattisgarh.

---- Respondent

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| For Applicant        | : Shri Sunil Sahu, Advocate       |
| For Respondent/State | : Shri Anant Bajpai, Panel Lawyer |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****03.7.2017**

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.138/2016 registered in Police Station Gharghoda, Distt. Raigarh for the offence punishable under Sections 363, 366, 376/34 of the Indian Penal Code and under Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

3. Learned counsel for the applicant submit that the applicant has been arrested on 12.7.2016, after investigation, police has filed charge sheet which is pending before Additional Sessions Judge/ Special Judge under the POCSO Act (FTC) as Special POCSO

Case No.67/2016. Learned counsel for the applicant would submit that there is no allegation against the present applicant, the prosecutrix has been examined, with this the applicant may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and would submit that during the investigation statement of the prosecutrix has been recorded under Section 161 Cr.P.C. wherein she has specifically stated the role of the applicant along with another co-accused that they took her to railway station, they purchased the ticket for Utkal Express and arrangement was made her to sit on that train. Thereafter they told her that after reaching Jhansi, they will intimate Anuj and Mohit and also they can contact with them. After this the applicant and another co-accused returned to Gharghoda. At the time of the recovery of the prosecutrix, the applicant was present.

5. Perused the entire material.

6. On due consideration of the material collected, I am not inclined to grant bail to the applicant.

7. Accordingly, application filed under Section 439 of Cr.P.C. is hereby dismissed.

8. However, the trial Court is directed to expedite the trial and dispose of the same as early as possible.

Sd/-  
(Chandra Bhushan Bajpai)  
JUDGE