

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2507 of 2017**

- Raju Sahu S/o Dhanaram Sahu Aged About 43 Years R/o Village Amarpur, Police Station Pandariya, District Kawardha Chhattisgarh At Present R/o Village Murum Khadan Ashok Nagar, Sarkanda, Bilaspur District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, Civil And Revenue District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Shri CB Kesharwani, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.5.2017**

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.892/2016 registered in Police Station Sarkanda, Distt. Bilaspur for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and under Section 3 & 4 of Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicant submits that the applicant has been arrested on 29.12.2016, after investigation, charge sheet has been filed against him before Additional Sessions Judge (FTC), Bilaspur as Special Session Trial No.17/17. It is submitted that the applicant has been falsely implicated in the matter. Initially, FIR was

lodged against unknown person, the complainant identified the applicant before the police and the complainant along with the prosecutrix i.e. her daughter and the accused came to the police station there she presented the applicant at the police station, he has not committed any offence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that the prosecutrix was aged about 13 years 10 months and 7 days at the time of the incident. Statement of the prosecutrix recorded under Section 161 & 164 of the Cr.P.C. shows the entire conduct of the applicant and the seriousness of the offence committed. Hence, the application for bail may be dismissed.

5. Perused the entire material.

6. On due consideration of the strength of the entire material collected by the prosecution against the applicant, I am not inclined to grant bail to the applicant.

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

Sd/-
(Chandra Bhushan Bajpai)
JUDGE