NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4047 of 2017

- Neelkanth @ Lili S/o Biselal Satnami, Aged About 19 Years, R/o Village Bond, Thana Saja, District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Saja, District Bemetara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-07-2017

1. Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.164/2017 by P.S. Saja, District Bemetara, C.G. for the offence under Section 376, 450 of the IPC and Section 4, 6, 8 of Protection from Children from Sexual Offences Act, 2012 (in short 'the POCSO Act'). After investigation police had filed the charge sheet which is pending before the Additional Sessions Judge/Special Judge under the POCSO Act Bemetara, C.G. as Special Criminal Case POCSO No.20/2017. Learned counsel for the applicant would further submit that the applicant has been falsely implicated, he is in custody since 11-04-2017, he is aged about 19 years, he may be granted bail till trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that as per the evidence collected, the applicant committed rape with the prosecutrix aged about 11 years after trespass in the said house.

4. Perused the entire material.

5. On consideration of the entire facts collected against the applicant, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Aadil