

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4159 of 2017

- Hemant Kumar Badaik S/o Shri Vijay Ram, Aged About 27 Years
R/o Nanhesar, Police Station Sanna, District Jashpur,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Shankargarh, District Balrampur, Chhattisgarh.

---- Non-applicant

For Applicant	: Rishi Rahul Soni, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

19.09.2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No. 24/2016 on 10.05.2016 by Police Station Sankargarh, Civil District Sarguja, at Ambikapur (C.G.) for the offence under Section 363, 366 (A), 376 of IPC & Section 4 of Protection of Children from Sexual Offences Act, 2012 (in brevity 'the POCSO Act').
3. Learned counsel for the applicant submits that after investigation police has filed charge-sheet which is pending

before the Additional Sessions Judge / Special Judge, under the POCSO Act, Sarguja at Ambikapur C.G., as Special Criminal Case POCSO No. 25/2016. Learned counsel for the applicant would submit that the prosecutrix and her father were examined during the trial, but they had not supported the prosecution story and said nothing against the applicant, hence, the applicant may be enlarged on a bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant.

5. Perused the entire material.

6. As per the material collected by the prosecution, it appears that prosecutrix was minor under the definition of Section 2 (1) (d) of the POCSO Act and the applicant kidnapped the minor girl procured the prosecutrix for the purposes of illicit intercourse committed by the applicant. Present forum is not a forum where part of the evidence adduced by the prosecution before the trial Court may be appreciated without entire material in the charge sheet. On due consideration of the material collected against the applicant by the prosecution, I am not inclined to grant bail to the applicant.

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

Sd/-

(Chandra Bhushan Bajpai)
Judge