

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4203 of 2017

- Rakesh Suryavanshi S/o Shri Munshi Ram Suryavanshi, Aged About 22 Years (Wrongly typed as "Munshi Suryavanshi"), R/o Village & Post-Pausara (Wrongly typed as "Pausari"), Police Station - Koni, Tehsil-Bilaspur, Revenue & Civil District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Pandri, Revenue & Civil District- Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Surfaraj Khan, Advocate.

For Non-applicant/State – Shri U.K.S.Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.14/2017 on 11-01-2017 by P.S. Pandri, District Raipur, Chhattisgarh for the offence under Section 363, 366 and 376(2) (i) of the IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 (in short 'the POCSO Act'). After investigation police had filed the charge sheet, which is presently pending before the VIIth Additional Sessions Judge (FTC)/Special Judge under the POCSO Act Raipur, C.G. as Special Criminal Case (POCSO) No.51/2017. Learned counsel for the applicant would further submit that the applicant is falsely implicated. He will not commit any offence in future. He is in custody since long. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant.
4. Perused the entire material.
5. As the prosecutrix is child, i.e., minor under Section 2(1)(d) of the

POCSO Act and with the above fact she is not lawfully competent to give her consent to take her, also upon perusal of the material collected regarding commission of the entire offence as surfaced, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
Judge

Aadil