

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4430 of 2017**

Bhuvan Sahu S/o Hiravan Sahu, Aged About 21 Years R/o Sambalpur,
Police Station Saja, District Bemetara, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Saja, District Bemetara, Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri J.K. Saxena, Advocate.
For the Respondent/State	:	Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.10.2017**

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.177 of 2017, registered at Police Station – Saja, District – Bemetara, Chhattisgarh for the offence punishable under Sections 376 and 450 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicant submits that the applicant is in jail since 21.04.2017 and the applicant has been falsely implicated in this case. The medical report of the prosecutrix does not support the version of the prosecution. Hence, it is prayed that the applicant is entitled for grant of bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has made categorical statement under Section 161 of the Cr.P.C. and it is also a fact that at present the prosecutrix is a minor hence, there can be no ground of consent in this case. Hence, the applicant is not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the submissions made and as per the contents of the case diary, I am of the considered view that this is not a fit case for grant of bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected. The applicant shall have liberty to file a repeat application in case the trial is not concluded within a period of six months.

Sd/-

(Rajendra Chandra Singh Samant)
Judge