

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4512 of 2017**

Bedram @ Dharmendra Verma S/o Surendra Verma, Aged About 20 Years R/o Village Khapari 1, Police Station Nandghat, Civil & Revenue District Bemetara, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Simga, Civil & Revenue District Baloda Bazar Bhatapara, CG.

---- Respondent

---

|                      |                                |
|----------------------|--------------------------------|
| For applicant        | Mr. A.P. Sharma, Adv.          |
| For Respondent/State | Mr. Vinod Tekam, Panel Lawyer. |

---

**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****10-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 23-12-2016 in connection with Crime No. 357/2016 registered in PS Simga, Civil Distt. Baloda Bazar Bhatapara (CG) for offence punishable under Section 363, 366A, 376 of the Indian Penal Code, 1860, Section 4 of the Protection of Children from Sexual Offences Act, 2012 (in brevity 'POCSO Act') and Section 3 sub-section (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (In brevity 'NDPS Act').
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the Special Judge under SCST Act, Baloda Bazar as Special Sessions Trial No. 11/2017. Learned counsel submits that prosecutrix and her mother have not supported the prosecution case in their evidence and with this, there is no material against the applicant so as to connect him with the offence. Hence instant MCRC may be allowed and the applicant may be enlarged on bail.

4. Per contra, learned counsel for<sup>4512</sup> the respondent/State opposes the arguments advanced on behalf of the applicant.
5. Perused the entire matter.
6. Police during investigation collected entries of the Dakhil Kharij register showing the date of birth of the prosecutrix as 15-6-2000 and the date of incident is 9-12-2016, with this the prosecutrix was child under the definition of Section 2 sub-section (1)(d) of the POCSO Act and also this is not the trial Court to appreciate the evidentiary value of the prosecution witnesses examined partially. Trial is not yet concluded and looking to the material collected against the applicant, without connecting anything on its merit, I am not inclined to grant bail to the applicant.
7. Consequently, instant MCRC is dismissed.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**