

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4846 of 2017**

- Shankar Das Mahant S/o Gulabdas Mahant, Aged About 20 Years R/o Kayaghat, Near Muktidham, Raigarh, Police Station Juthmill Chowki, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Chowki Juth Mill, Police Station City Kotwali, Tahsil & District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Tarun Dansena, Advocate
For Respondent-State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/11/2017**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 27.02.2017 in connection with Crime No. 100/2017 registered at Police Station Chowki-Juth Mill, Police Station-City Kotwali (CG) for the offence punishable under Sections 354, 376, 511 of the I.P.C. and Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 26.02.2017, while the prosecutrix, who is deaf & dumb, had gone to perform worship in the temple, thereafter while she was coming back, the applicant and his friend offered her Rs.200/- and thereafter forcefully made her to drink liquor and tried to outrage her modesty, while she realized the same, she ran away from there.
3. Learned counsel for the applicant submits that the prosecutrix and the other

witnesses have not supported the case of the prosecution and the false incident has been narrated, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the fact that the prosecutrix was a deaf & dumb, it is not proper for this Court to evaluate the statement by holding a trial, it is for the trial Court to adjudicate the same after the entire evidence is placed before it. Considering the facts & circumstances of this case, I am not inclined to release the applicant on bail. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu