

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4946 of 2017**

- Rajesh Chakradhari S/o Lalluram Chakradhari, Aged About 23 Years, R/o Pinkapar, Outpost Pinkapar, Police Station Devri, District Balod Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Devri, District Balod Chhattisgarh.

**---- Non-applicant**

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For Applicant – Shri Dashrath Kushwaha, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**24-08-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.23/2017 on 20-03-2017 by P.S. Devri, District Balod, Chhattisgarh for the offence under Section 376, 506 read with Section 34 of the IPC and Section 5, 6, 17 of Protection of Children from Sexual Offences Act 2012 (in short 'the POCSO Act'). After investigation charge sheet been filed, which is pending before the Sessions Judge Balod as Special Criminal Case (POCSO) No. 53/17. Learned counsel for the applicant would further submit that co-accused Dinesh Halba has been granted bail by the trial Judge. The case of present applicant is similar. Hence, the applicant may also be granted bail.
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 per the facts surfaced in the charge sheet, it appears that the case of

co-accused Dinesh Halba who has been granted bail by the trial Court is distinguishable from the present applicant as the applicant is the accused who committed rape with the prosecutrix, whereas, there is no any allegation against the co-accused about the rape and other facts. It is also surfaced that in the month of August 2015, the applicant gave some intoxicated water to the prosecutrix and thereafter the prosecutrix was unconscious and when she regained consciousness she noticed pain in the genital and breast and thereafter on many times the applicant committed sexual intercourse. On perusal of the entire material collected during investigation, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

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