

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.2015 of 2017

- Rohit S/o Shivilal Singh Gond, Aged About 25 Years R/o Chhirhatola, Police Station Janakpur, District Korea, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Station House Officer, Police Station Janakpur, District Korea, Chhattisgarh.

---- Respondent

For Petitioner: Shri H. B. Agrawal, Sr. Adv. With Shri K.S. Pawar, Advocate
For Respondent/State: Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/04/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.67/2016 registered at Police Station Janakpur, District Korea for the offence punishable under Section 376(2)(N), 506-B of IPC and Section 4, 6 & 10 of the Protection of Children from Sexual Offences Act, 2012. The applicant has been arrested on 24-04-2016.

3. Case of the prosecution is that the applicant committed rape on the prosecutrix, who is stated to be minor in age.

4. Learned counsel for applicant submits that in the present case, the prosecutrix has been examined during trial and the manner, in which, she has deposed before the Court her evidence does not inspire confidence because she has made contradictory statement.

5. On the other hand, learned State counsel opposed the prayer for grant of

bail on the submission that whether the prosecution story should be believed or not, it is a matter of appreciation of evidence. He submits that the prosecutrix in para 5 of her evidence, she has clearly stated against the applicant, therefore, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, looking to the nature of allegation against the applicant, without commenting upon the merits of the case, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application is rejected.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E