

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3286 of 2017

Yogesh Beldar S/o Shri Ashwani Beldar Aged About 19 Years R/o Beldar Sioni Kharora, Police Station Kharora, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: The Police Station Kharora, District- Raipur, Chhattisgarh.

---- Respondent

Shri N. Naha Roy, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/07/2017

1. This is second bail application. First bail application was dismissed as withdrawn.
2. The applicant has been arrested in connection with Crime No.278/2016 registered in Police Station – Kharora, District - Raipur (CG) for alleged commission of offences under Section 376 (2) (i) 506, 34 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. This application has been filed mainly on the ground that the prosecution case is false and fabricated because the prosecutrix has not been produced before the Court despite many opportunities granted and the Court has even issued warrant against the prosecutrix.
4. Learned counsel for the applicant submits that the mother of the prosecutrix has been examined and she has not supported the case of the prosecution.
5. State counsel submits that the applicant is being tried for an offence under

Section 376 IPC and the allegations are commission of offence against a minor. Therefore, at this stage, the applicant may not be granted bail.

6. It is surprising that though the mother of the prosecutrix has appeared but the prosecutrix has not been produced by the prosecution for evidence before the Court. The applicant is being tried for commission of offence under Section 376 IPC and the prosecutrix is stated to be minor. Therefore, at this stage, I am not inclined to grant bail to the applicant. The application, at this stage, is rejected with liberty to revive in case, there is delay in trial. Moreover, the Superintendent of Police, Raipur is directed to ensure that the prosecutrix is presented before the Court for her examination.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**