

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1639 of 2018

- Ballu Yadu @ Lallu S/o Mansukh Yadu, Aged About 32 Years, R/o- Purani Basti, Infant of Mahamaya Mandir, Thana Purani Basti Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station- Azad Chowk, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Krishna Kumar Dewangan, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 31-08-2016 in connection with Crime No.202/2016 registered at P.S. - Azad Chowk, Raipur, District- Raipur, Chhattisgarh for the offence under Section 376 of the IPC and Section 4 of the POCSO Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the charge sheet. The mother of the minor prosecutrix, Mamta Thakur had filed a written complaint on 26-08-2016 stating about quarrel with the applicant and on that basis a proceeding under Section 107 read with Section 116 of the Cr.P.C. was drawn against the applicant. When the applicant was released on bail by the Executive Magistrate, again a written complaint was malafidely filed on 30-08-2016 alleging that this applicant had committed rape with the minor prosecutrix, which is totally false and concocted only for the purpose to keep the applicant behind bars. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that the applicant committed rape with the minor prosecutrix of age 6 years.
6. Looking to the grievousness of the charge against him, I am not inclined to grant bail to this applicant.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge