

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1575 of 2018**

Sanjay Sahu S/o Shriram Sahu Aged About 26 Years R/o- A.C.C. Chowk, Near Church, Ghasidas Nagar, Jamul, Bhilai, P.S.- Jamul, Tehsil, Civil And Revenue District- Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- District Magistrate- Durg, District- Durg, Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Jaydeep Singh Yadav, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/04/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 499/2017 registered at Police Station Jamul, District Durg, Chhattisgarh for the offence punishable under Sections 377, 506 B of Indian Penal Code and Section 4 of Protection of Children from the Sexual Offences Act, 2012.
2. The present applicant is in jail since 12.10.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the prosecution case is that the present applicant on the date of accident i.e. on 07.10.2017 is said to have taken the victim, a 13 years old boy Ayush Gupta into the bushes behind the school premises and where he is said to have committed unnatural intercourse with the victim and also threatened him of dire consequence if he reveals the fact to any person. Subsequently, the victim divulged this fact to the parents

and F.I.R. was lodged on 09.10.2017 and thereafter the present applicant was arrested on 12.10.2017.

4. The counsel for the applicant submits that there are contradictions and improvements in the two statements recorded of the victim under Section 161 as also under Section 164 of the Cr.P.C. which by itself would make the case of the prosecution doubtful. The counsel for the applicant submits that the statement recorded under Section 164 is entirely different from the statement recorded under Section 161 and it appears that the present applicant has been falsely implicated in the instant case and the present applicant therefore deserves to be released on bail.
5. The State counsel on the contrary opposing the bail application submits that there are serious allegations against the present applicant and the victim being a 13 years old boy, considering the gravity of the offence, the present applicant does not deserve to be released on bail.
6. Having heard the contentions put forth on either side and on perusal of the record, particularly the statement of the victim, the age of the victim as also the fact that there is no allegation of the present applicant having any enmity with the family of the victim, prima facie there are materials available against the present applicant. Thus this Court does not find strong case made out for grant of bail at this juncture, the application therefore deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge