

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3830 of 2018**

Vijay Kumar Chauhan Shri Chhatram Chauhan, Aged About 27 Years R/o Village Kurudhih, Bhaisma, Thana Uarga, District Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Uarga, District Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Amit Kumar Chaki, Advocate.
For the Respondent/State	:	Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.07.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.245 of 2017, registered at Police Station – Uarga, District – Korba, Chhattisgarh for the offence punishable under Sections 450, 376, 294 (2 times) and 506 (2 times) of the Indian Penal Code and Section 5 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. False FIR has been lodged against the applicant only on account of enmity and

quarrel between the applicant and the mother of the victim in this case and this has been admitted by the victim in her cross-examination before the trial Court. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the victim/ prosecutrix in this case is nearly 11-12 years old girl and the offence committed is of very heinous nature. Hence, the application be rejected.

4. Heard counsel for both the parties and perused the case diary.

5. According to the case against the applicant, on 24.11.2017, he committed house trespass in the house of the prosecutrix/ victim aged about 12 years and by putting her under threat and after threatening, he committed forceful sexual intercourse with her. Hence, this case.

6. Considering the entire material present in the case-diary, I am of the view that this is not a fit case where the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge