

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4541 of 2018

- Raju Panka Dewangan S/o Kunjlal Dewangan, Aged About 49 Years, R/o Chowki-Dafai, Police Station Chirmiri, District Koriya Chhattisgarh, At Present R/o House Of Ganesh Dhiwar, Abdul Kalam Chowk, Siltara, Police Station Dharsinwa, District Raipur Chhattisgarh, Permanent Address Govindpur, Podi, Police Station Patna, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharsinwa, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Aditya Khare, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2018

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 07-02-2018 in connection with Crime No.66/2018 registered at P.S. - Dharsinwa, District Raipur, Chhattisgarh for the offence under Section 376 of the IPC and Section 4, 8 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 07-02-2018. No case is made out against him. The prosecutrix has been examined before the trial Court and she has made admission in her cross-examination that she was tutored for making statement before the Court. Further, the medical report also does not disclose about commission of any offence of rape. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there are other witnesses to be examined before the trial Court

who are expected to support the prosecution case and the victim herself has not been declared hostile, further, the age of the victim is merely 8 years. Hence, the application may be rejected.

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

5. The allegation against this applicant is this, that on the date of incident he disrobed the minor prosecutrix of age 8 years and then committed offence of rape.

6. After due consideration on the material present in the case diary and making this observation that evidence and its truthfulness shall be appreciated in the trial by the trial Court itself on which this Court cannot make any comment, I do not feel inclined to grant regular 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 hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge