

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5765 of 2018

Sanjay Kumar Bhagat @ Bhola S/o Bilas Ram Aged About 24 Years R/o-
Village- Basantpur, Patelpara, Police Station- Basantpur, District- Balrampur-
Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station
Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Arun Kumar Shukla, Advocate
For Respondent	:	Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

28/08/2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.51/2017, registered at Police Station- Basantpur, District – Balrampur (C.G.) for the offence punishable under Section 343, 363, 366, 376/34 of the Indian Penal Code and Section 4 & 6 of POCSO Act, 2012. The first bail application of the applicant is dismissed as withdrawn with liberty to revive after sometime, if occasion so arises.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The prosecutrix is not a minor girl and had been a consenting party to the entire incident. No case is made out against the applicant on the basis of the material present in the case diary. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is further submitted that the prosecutrix has given clear statement

about commission of offence of abduction, wrongful confinement and rape by this applicant and she is a minor age of 15 years. Hence, the applicant is not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. It is alleged that on the date of incident, the minor prosecutrix was abducted by the applicant with the help of other co-accused persons and was taken to a place, where she was confined for three days and was also raped by this applicant and one co-accused person.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the evidence i.e. present against this applicant, this Court is of the opinion that present is not a fit case, in which, this applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge