

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1814 of 2019**

Ashwani Kumar @ Bablu Chouhan S/o Tilakram Chouhan
Aged About 21 Years R/o Vijay Nagar, Junadih, Police Station
Dipka, Tahsil Katghora, District - Korba Chhattisgarh.

--- **Petitioner****Versus**

State of Chhattisgarh through Station House Officer, Police
Station Dipka, District - Korba Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Dhiraj Wankhede Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****18.03.2019**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 48 of 2018 registered at Police Station Dipka, Distt. Korba (C.G) for the offences punishable under Sections 376, 450 of IPC and section 4 of the POCSO Act.
2. The first bail application was dismissed as withdrawn on 30.10.2018
3. As per the prosecution case, a minor girl was subjected to forcible sexual intercourse on 03.03.2018 for which a written complaint was filed on 04.03.2018 and after enquiry, the offence was found to have been committed.
4. Learned counsel for the applicant submits that the report was made 20 hours later as also the statement of the prosecutrix is totally fictitious. It is further stated that the

report of the prosecutrix shows that she is habituated to sexual intercourse and because of the delay, the allegations cannot be attributed to the petitioner and he has been falsely implicated. it is further stated that the petitioner has informed about the engagement of prosecutrix with other person as such the false report has been made.

5. Per contra, learned State Counsel opposes the bail application.
6. Perused the statement of prosecutrix and the medical report. Considering the same, I am not inclined to allow this bail application. Accordingly it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**