

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4425 of 2019**

Rohit Chandrawanshi S/o Badriprasad Chandrawanshi, Aged About 27 Years R/o Dhobghatti, Police Station - Pandatarai, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pandatarai, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Santosh Bharat, Advocate
For the State	:	Shri Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**07/08/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.87/2019 registered at Police Station Pandatarai, District Kabirdham (C.G.) for the offence punishable under Sections 376, 450, 506 of IPC and Section 4,6 of POCSO Act.
3. Case of the prosecution, in brief is that three months prior to 19/05/2019 prosecutrix was more than 16 years of age. She is resident of village Kumhi. Three months prior to 19/05/2015 applicant took her from her residence to field and committed sexual intercourse with her. He had given threatens to kill her. On 30/03/2019 from village Ruse applicant took her to village Dhobghatti and committed sexual intercourse with her. On 28/05/2019 applicant entered in her house and used criminal force on her body, she shouted then her father and brother reached there. She narrated them earlier two incidents. Due to fear she had not disclosed the earlier incidents to anyone.
4. Counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that there is variation in statements of prosecutrix recorded under Sections 161 and 164 of CrPC. Family members of prosecutrix had heavily beaten the applicant. As per medical report no injury was found on the body of prosecutrix. FIR is delayed by 2-3 months.
7. There is no such material variation on strength of which it can be said that *prima facie* applicant has not committed any offence. Merely delay in FIR and this fact that medical report does not support the prosecution case, at this stage while considering the bail application are not sufficient to say that *prima facie* no case is made out.
8. Looking to the above mentioned facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge