

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5350 of 2019

- Prakash Gupta S/o Shri Sharad Gupta Aged About 22 Years R/o Village Daabo, P.S. Fasterpur, District- Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Fasterpur, District- Mungeli, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Rajesh Kumar Kesharwani & Mr. Nalin Soni, Advocate.

For Non-applicant/State : Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-10-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second application filed for grant of regular bail. The earlier application filed in M.Cr.C. No.2782 of 2018 has been dismissed as withdrawn on 09.07.2018. The applicant has been arrested on 09.02.2018 in connection with Crime No.17/2018, registered at Police Station– Fasterpur, District- Mungeli, Chhattisgarh for offence punishable under Sections 323, 363, 354A, 376 of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 09.02.2018 and the applicant has been falsely implicated in this case because of the previous enmity with the complainant. It also appears improbable that a child of age 5 years will give statement as it has been recorded by the police. Therefore, it is prayed that application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application

and submits that according to allegation, this applicant has ravished the victim of age only 5 years and there is evidence present in this respect, hence, this application may be rejected.

4. Complainant is present in person before this Court who has stated that applicant should not be given benefit of bail.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, this applicant has allured the minor victim of age only 5 years and then by taking her to a lonely place, he has committed an act which amounts to rape and also he outraged her modesty.
7. Looking to the evidence that is present against this applicant, I do not feel inclined to allow this application and the trial Court is directed to expedite the trial and conclude the same as early as possible.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.
9. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge