

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1424 of 2020

- Arjun Yadav @ Golu S/o Shri Balaram Yadav, Aged 30 Years, R/o Village Nimora, P. S. Rakhi, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Rakhi, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Devershi Thakur, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2020

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 02-01-2020 in connection with Crime No.03/2020 registered at Police Station - Rakhi, District Raipur, Chhattisgarh for the offence under Section 376 of the IPC, Section 4 & 6 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The FIR is delayed by two days. Father of the complainant has enmity with the applicant side and also there is a land dispute present. It is further submitted that CCTV footage of Primary Health Center Nimora clearly discloses that the applicant was present on duty throughout on the alleged date of incident, therefore, the story of the prosecution appears to be improbable and it indicates that the case against the applicant is concocted. Hence, for these reasons, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is no reference to any CCTV footage in the case diary. The FIR, the statement under Section 161 as well as 164 of the Cr.P.C. are

categorical and against the applicant. The MLC report is also positive and against this applicant. It is further submitted that the victim in this case is of age only 15 years and she is also a member of SC/ST community. Therefore, the applicant is not entitled for grant of bail.

4. The victim is present along with her father in the High Court and her representation in this virtual hearing is taken through Help Desk of the High Court. She and her father both have made statement that they have objection in grant of bail to the applicant.

5. Heard the submissions and perused the documents.

6. As per the prosecution case, it is alleged that this applicant has exploited sexually the minor prosecutrix of age about 15 years. The prosecutrix also happens to be a member of SC/ST.

7. After considering on the material that is present in the case diary against this applicant and looking to the age of the prosecutrix, I am of this view that it is not a fit case for grant of bail to the applicant.

8. 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