

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1762 of 2020

1. Chudamani Alias Chudaman Sahu S/o Tukaram Sahu Aged About 27 Years R/o Gram Bana, P.S. Kharora, District Raipur Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Aarang, District Raipur Chhattisgarh

---- Respondent

For Applicant	Mr. Lukesh Kumar Mishra, Advocate
For Respondent /State	Mr. K.K. Singh, Govt. Advocate

*(Proceedings through Video Conferencing)*Hon'ble Mr. Justice Prashant Kumar MishraOrder On Board4/9/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.64/2019, registered at Police Station Aarang, District Raipur (CG), for the offence punishable under Sections 376 of the Indian Penal Code and Section 4 of the POCSO Act.
3. Applicant ravished the prosecutrix, aged about 14 years, at about 7.00 pm on 12-2-2019. The First Information Report (FIR) was lodged on the next morning.

4. It is argued that the prosecutrix is neither appearing before the trial Court nor before this Court and the applicant is in detention since 13-2-2019. It is also argued that the medical evidence is not supporting the version put forth by the prosecution, therefore, the applicant is entitled to be released on bail.
5. Learned counsel appearing for the State, *per contra*, would oppose the bail application.
6. Merely because the prosecutrix could not be examined before the trial Court and for the last about 6 months the trial is not progressed because of outbreak of COVID-19 Pandemic situation, the seriousness of the crime would not be diluted.
7. Considering the entire facts situation of the case, particularly considering the age of the prosecutrix and the prompt FIR, this Court is not inclined to grant bail to the applicant.
8. Accordingly, the bail application is rejected. However, liberty is reserved in favour of the applicant to revive the prayer for grant of bail after examination of the prosecutrix.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri