

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3280 of 2020

- Shubham Mandavi son of Kanti Lal Mandavi, aged about 21 years, resident of village Adam, P.S. Dongergaon, District Rajnandgaon (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station, Dongergaon, Rajnandgaon, District Rajnandgaon (CG)

---- Respondent

For Applicant	: Shri C.R.Sahu, Advocate
For Objector	: Shri S.S. Baghel, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Smt.Justice Rajani Dubey
Order On Board

14.09.2020

1. Heard.
2. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 259/2019, registered at Police Station Dongergaon, District Rajnandgaon (CG) for the offence punishable under Sections 354, 454, 376, (य), (घ) (क) of the IPC and Section 8 of the Protection of Children from Sexual Offence Act, 2012.
3. Earlier bail application of the applicant was dismissed in MCRC No.7717/2019 vide order dated 4.12.2019.
4. Case of the prosecution is that father of the prosecutrix lodged a report that on 4.8.2019, when he and his wife had gone to the fields, the present applicant along with other co-accused

came to his shop and purchased some articles from his son Girija Shankar and the co-accused get involved in talking to his son, brother of the prosecutrix and the present applicant entered into the house and committed rape on his daughter, who is aged about 12 years.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the applicant and the co-accused had gone to purchase some articles from the shop of brother of the prosecutrix and on account of some dispute, the applicant has been dragged in a false case of rape. He submits that the co-accused has been released on bail in MCRC No. 5822/2019. He prays for releasing the applicant on bail.
6. On the other hand, learned counsel for the State as well as counsel for the Objector oppose the bail application.
7. Learned counsel for the Objector submits that the present applicant has committed the offence. While they had gone to the shop for purchasing some articles and the co-accused was talking to the brother of the prosecutrix, the present applicant taking advantage entered into the house of the prosecutrix and committed rape on her.
8. Perused the entire material available on record.
9. Considering the facts and circumstances of the case, particularly considering the fact that the prosecutrix, who is aged about 12 years, has stated the name of the present

applicant in her court statement committing sexual intercourse with her, I am not inclined to release the applicant on bail.

10. Accordingly, the bail application filed under Section 439 Cr.P.C. is dismissed.

Sd/
(Rajani Dubey)
JUDGE

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