

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3458 of 2020**

- Hemant Singh Pottam S/o Lal Singh Pottam Aged About 20 Years, Caste Gond, R/o- Village Pondi, P.S. Marwahi, District- Gourela-Pendra-Marwahi, Chhattisgarh

**---- Petitioner****Versus**

- State Of Chhattisgarh Through P.S. Marwahi, District- Gourela-Pendra- Marwahi, Chhattisgarh

**---- Respondent**

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For Applicant  
For Respondent /State

Mr. FS Khare, Advocate  
Ms. Fouzia Mirza, Additional Advocate  
General

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**Proceedings through Video Conferencing****SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****16/9/2020**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.32/2020 registered at Police Station Marwahi, District Gaurela-Pendra-Marwahi (CG) for the offence punishable under Sections 341, 366 A, 376 D of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. Two accused persons including the present applicant committed rape with the prosecutrix, aged about 16 years.
4. It is argued that the prosecutrix was not aware of the names of the accused and medical evidence is not substantiating the allegations made by the prosecutrix, therefore, the applicant is entitled to be released on bail.
5. Named FIR has been lodged against the present applicant, therefore, no case for grant of bail is made out.
6. Accordingly, the bail application is dismissed. However, the applicant would be at liberty to revive the prayer after examination of the prosecutrix.

Sd/-

**(Prashant Kumar Mishra)**

Judge

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