

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3814 of 2020

- B. Shamba Murti S/o Shri Late Guru Murti Aged About 48 Years Sakin-Satbahnia Mandir Ke Pass, Dewarikhurd, Thana- Torwa, Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Dwara- Arakshi Kendra Torwa, Jila- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. K.K. Khatri, Advocate.
For State/respondent	: Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/07/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.161/2020 registered at Police -Station-Torba, Bilaspur(C.G.) for the offence punishable under Sections 376, 511 of IPC, Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The witnesses examined by the police during the investigation have not supported the prosecution case. The MLC report is also not supportive of the claim of prosecution. Applicant is in jail since 9.5.2020. Hence, it is prayed that

applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that statement of the prosecutrix, who is only 7 years old, recorded under Section 164 of CrPC is clear and categoric. Further, the MLC report also mentions that the victim was ravished. Therefore, looking to this evidence, the applicant is not entitled for grant of bail.
4. Complainant Sapna Murty is present before this virtual Court through the “Help Desk” of the High Court of Chhattisgarh. She has stated that she has serious objection to grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that the applicant, who happens to be step father of the minor victim, finding opportunity on the date of incident has disrobed the victim and inserted finger in her private part. Hence, the FIR has been lodged by the complainant.
7. Considered on the submissions and also the evidence that are present against the applicant and I am not inclined to allow the bail application on merits.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge