

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4058 of 2020

- Sandeep Sinha S/o Siyaram Sinha, Aged About 19 Years, R/o Baputola, O.P. Chichola, Thana Churiya, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Chhuriya, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Parag Kotecha, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-07-2020

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 12-8-2018 in connection with Crime No.123/2018 registered at Police Station – Chhuriya, District Rajnandgaon, Chhattisgarh for the offence under Section 376 AB, DA, DB, 450, 506, 377 of the IPC, Section 4 and 6 of Protection of Children from Sexual Offences Act and Section 3(2)(V) of SC, ST (Prevention of Atrocities) Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case because of enmity with the complainant and her family. The applicant is in jail since about two years. The MLC report of the victim shows no injury on her private parts, which falsifies the statement given by her and other witnesses against the applicant. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the victim in this case is of age only 10 years and there is statement of witnesses of forceful sexual assault on her. The MLC report

clearly mentions regarding inflammation and pain in private parts of the victim. Therefore, no case is made out for grant of bail.

4. Complainant Kavita Kunjam, mother of the prosecutrix is present before this virtual Court through Help Desk of this High Court. She has serious objection in grant of bail to the applicant.

5. Heard the submissions and perused the documents.

6. The minor prosecutrix had been to the house of the applicant for watching television when it is alleged this applicant by force took the prosecutrix to a separate room where he ravished her and sexually assaulted her. There is also allegation of unnatural sexual assault by the applicant on the victim of the case.

7. Considering on the submissions and facts of the case which are present and also other material which is available in the case diary against this applicant, I am of this view that it is not a fit case for grant of bail.

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