

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4329 of 2020

- Santosh Tiwari S/o Hridayanad Tiwari Aged about 30 years, R/o Shivanand, Sector -1, House of Shivkant Dwivedi, P.S. Khamtarai, District Raipur(CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station, Gudhihari, District Raipur (CG)

---- Respondent

 For Applicant : Ms. Aparajita Gayakwad, Advocate
 For Respondent/State : Shri H.S. Ahluwalia Dy. Adv. General

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. 68/2019, registered at Police Station Gudhihari, District Raipur(CG) for the offence punishable under Sections 366, 376 of the IPC and Section 4 of the Protection of Children from Sexual Offence Act, 2012.
3. Earlier bail application of the applicant was dismissed as withdrawn in MCRC No.7015/2019 vide order dated 14.2.2020.
4. Case of the prosecution is that father of the prosecutrix lodged a report that on 25.1.2019, when he along with his wife and daughter went to attend a marriage ceremony, the applicant taken away from the spot the minor 4 years prosecutrix

enticing her and committed sexual intercourse with her and ran away. On the basis of CCTV footage, the applicant has been arrested.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the FIR is delayed by one month and T.I. parade was not conducted. He submits that the applicant is in jail since 26.2.2019, charge sheet has been filed and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has committed a grave offence of rape against 4 years minor girl.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, particularly considering the fact that the applicant has taken away the 4 years minor prosecutrix from her lawful guardianship and committed sexual intercourse with her and the prosecutrix has also stated the name of the applicant in her statement recorded under Section 161 Cr.P.C. that the applicant has committed sexual intercourse with her, I am not inclined to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 Cr.P.C. is dismissed.

Sd/
(Rajani Dubey)
JUDGE