

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4349 of 2020

- Janak Ram @ Buti Kashyap S/o Gangaram Kashyap, Aged About 19 Years, R/o Village Khapri, Police Station Mulmula, District Janjgir -Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mulmula, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Shri Vivek Singhal, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-08-2020

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 07-03-2020 in connection with Crime No.38/2020 registered at Police Station - Mulmula, District Janjgir-Champa, Chhattisgarh for the offence under Section 376 A B of the IPC and Section 4 of Protection of Children from Sexual Offences Act (as per impugned order).
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 07-03-2020. The FIR has been lodged because of enmity. 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 age of the victim in this case is only 5 years and 8 months. There is clear evidence regarding commission of offence against the applicant in the shape of statement of the witnesses and also the medical evidence. Therefore, the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the documents.

5. As per the prosecution case, it is alleged that this applicant sexually ravished the minor victim of age about 5 years and 8 months regarding which oral as well as medical evidence has been collected in the investigation.

6. The nature and gravity of the case is enhanced looking to the age of the victim and also looking to the presence of evidence of prosecution against the applicant, I do not feel inclined to allow this application.

7. 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