

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4933 of 2020

Bharat Tandi Son Of Chitri Tandi Aged About 65 Years Resident of Tarun Nagar, Lodhipara, P.S. Civil Line, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri S.P. Sahu, Advocate
For State	:	Shri Alok Bakshi, Addl. Advocate, General

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/09/2020

Heard.

1. The applicant is arrested in connection with Crime No.101/2020 registered in Police Station -Civil Line, District- Raipur (CG) for alleged commission of offence under Section 376 AB and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. None present for the informant despite service of notice.
3. Case of the prosecution, in brief, is that the prosecutrix, aged about 8 years, was subjected to rape by the present applicant.
4. Learned counsel for the applicant would submit that the applicant has been falsely implicated. He did not commit any such offence. In the FIR, the applicant has not been named and it was only later on that when Section 164 Cr.P.C. statement was recorded, the applicant was falsely implicated and the prosecutrix, a minor girl, has been tutored. Therefore, the applicant may be

released on bail.

5. On the other hand, learned counsel for the State opposed the bail application by submitting that in 164 Cr.P.C. statement, the prosecutrix has involved as many as three persons who subjected her to sexual offence including rape and the applicant is one of them.
6. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the age of the prosecutrix, her statement recorded under Section 164 Cr.P.C. and medical report, present is not a fit case for grant of bail.
7. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen