

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5219 of 2020

Mohit Kumar Churendra S/o Shyam Lal Churendra @ Shyam Sai Aged
About 34 Years R/o Ward No. 10, Boirdih, Police Station Devri, District
Balod, Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through- The Station House Officer, Police Station
Devri, District Balod, Chattisgarh **---- Respondent**

For Applicant	:	Shri Lovekumar Ramteke, Advocate
For Respondent/State	:	Shri Ravish Verma, Dy. G.A.
For Informant/Objector	:	Shri M.R. Qureshi, Advocate for Informant connected from the Desk of DLS Balod through Video Conferencing

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

Order On Board

29/10/2020

Heard.

1. The applicant has been arrested in connection with Crime No.17 of 2020 registered at Police Station- Devri District Balod (CG) for the alleged commission of offence under Section 376 (2) (i), 506 of IPC and Section 4, 5-M & 6 of POCSO Act.
2. Prosecution case is that the applicant subjected the prosecutrix, five year old girl child to rape and sexual assault.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated because of enmity with the parents of the prosecutrix and the applicant has not committed any such offence. He would next submit that even the medical report does not give any clear opinion of any sexual intercourse and it is improbable that if the applicant would have committed sexual intercourse, no injury would have been caused. Light redness could be caused due to many other reasons.

4. On the other hand, learned counsel for the State opposes the prayer and submits that the mother of the prosecutrix, the prosecutrix herself have clearly stated against the present applicant and the prosecutrix, under Section 164 Cr.PC. statement given before the Magistrate, has clearly stated that the applicant committed sexual assault on her.
5. Learned counsel appearing for the Informant has serious objection to grant of bail.
6. Considering the submission of learned counsel for the parties, gravity of allegation and that the prosecutrix is alleged to be a girl child of 5 years of old, present is not a fit case for grant of bail. The bail application is therefore rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge