

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6298 of 2020**

- Shyam Sunder Soni, S/o Late Dev Singh Soni, Aged About 42 Years, R/o Trimurty Nagar, P.S. Devendra Nagar, Tahsil and District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Devendra Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/11/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.49/2018 registered at Police-Station-Devendra Nagar, District-Raipur(C.G.) for the offence punishable under Sections 376 of IPC and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case because of the enmity with the complainant side. The trial has made progress in which the doctor examined has clearly said that he did not found any injury in the private part of the victim, hence, there is no case against this applicant. The applicant is in jail since 30.01.2018, hence, the

applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of victim in this case is only 8 years and then she has made statement before the Court in support of prosecution. Similarly, the other witnesses have also supported the prosecution case, hence, no case is made out for grant of bail to the applicant.
4. Complainant Lata Tandi is present before this Court on notice, she has strong objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that on the date of incident the applicant ravished the minor victim of age 8 years by inserting his finger in her private part and also biting on her chest, regarding which the case has been registered against him.
7. After considered on the submissions and on the facts of the case, I am of this view that this is not a fit case for grant of bail to the applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge