

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7309 of 2020**

Rajinder Chauhan @ Raja, S/o Govind Chauhan, Aged About 28 Years,
R/o Village Matkhanwapar, Kharsiya, Tehsil Kharsiya, District- Raigarh
(C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through the Police Station Kharsiya, District-
Raigarh (C.G.)

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate.
Respondent/State	:	Mr. Adil Minhaj, 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 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 376/2020, registered at Police Station– Kharsiya, District– Raigarh (C.G.) for the offence punishable under Section 376 of I.P.C. and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 15.09.2020 and has been falsely implicated in this case because of the previous enmity between the parties. No case is made out against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned State counsel opposes the bail application submitting that age of the prosecutrix in this case, is only 8 years and evidence is present against this applicant, therefore, the applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that the applicant forced the minor prosecutrix of age about 8 years, for oral sex, which amounts to commission of offence of rape.
6. Considered on the submissions and the facts present in this case and I am of this view that it is not a fit case, in which, the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge