

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7358 of 2020

Bhekhilal Sahu, S/o Dukalu Sahu, Aged About 32 Years, R/o Village Uparwah, Police Station- Ghumka, District- Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police Station- Ghumka, District- Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate.

Respondent/State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/12/2020

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. 147/2020, registered at Police Station– Ghumka, District– Rajnandgaon (C.G.) for the offence punishable under Section 376 (A)(B) of I.P.C. and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 11.07.2020 and has been falsely implicated in this case because of the enmity with the complainant side and other dispute between them. 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 the victim in this case, is of age about 6 years and 6 months only and there is clear evidence regarding commission of offence by the applicant, therefore, the applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. The complainant had appeared virtually before this Court on 02.12.2020 and raised objection in grant of bail to this applicant.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that on the date and time of incident, the applicant inserted his finger in private part of the minor victim of age 6 years and 6 months only, regarding which, FIR has been lodged.
7. 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.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge