

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7951 of 2020

- Sangram Patel @ Sangram Singh Patel S/o Shri Ramcharan, Aged About 20 Years, R/o Village Karidongri Chowki Khudia Police Station Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer Chowki Khudia Police Station Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicant – Shri Dheerendra Pandey, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The earlier bail application filed by the applicant MCRC No.883/2020 was dismissed as withdrawn on 06-08-2020 with liberty to revive the same after examination of the prosecutrix. The applicant has been arrested on 01-11-2019 in connection with Crime No.509/2019 registered at Police Station – Chowki Khudia, P.S. Lormi, District- Mungeli, Chhattisgarh for the offence under Section 376 of the IPC and Section 4 of POCSO Act, 2012 and Section 3(2)(V) of SC/ST Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix has been examined in the trial as well as her mother and father have also been examined. The parents of the prosecutrix have not supported the prosecution case. Therefore, the applicant is entitled for grant of bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the age of the prosecutrix had been only 14 years at the time

of incident and further she is not a hostile witness in the trial who has clearly supported the prosecution case. Therefore, the application may be rejected.

4. The minor prosecutrix is present before this Court and she has objection in grant of bail to the applicant.

5. Heard the submissions made and perused the case diary.

6. The case of prosecution is this, that this applicant forcefully committed rape with the minor prosecutrix of age 14 years. The prosecutrix is also a member of Scheduled Tribe.

7. Considered on the submissions and facts of the case and also perused copy of the deposition of the prosecutrix which is filed along with the application. I am of this view that this is not a fit case for grant of bail to the applicant.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge