

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6622 of 2019

- Sheikh Sikander S/o Sheikh Nazeer, Aged About 22 Years, R/o Zone - 1, Goutam Nagar, Near Imam Bada, Sector - II, Khursipar, Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khursipar, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Ms. Savita Tiwari, Advocate.

For Non-applicant/State – Mr. Raveesh Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 13-08-2018 in connection with Crime No.161/2018 registered at Police Station - Khursipar, District Durg, Chhattisgarh for the offence under Section 376 (2) (अ), 376 (2) (ब), 376 (2) (घ), 506 of the IPC and Section 3, 4 & 5 (घ) (ड) (ढ) & 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The statement given by the mother of the prosecutrix itself demonstrates that the prosecutrix made disclosure about the incident after delay of about three months. It is also demonstrated that the mother of the prosecutrix was living separately from her husband and had a marital dispute. Therefore, this applicant has been falsely implicated. It is also submitted that the medical report also does not support the prosecution case. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the investigation, the age of the prosecutrix had been below 9 years on the date of incident and she has made categorical statement against this applicant. Therefore, no case is made out for grant of bail.

4. The prosecutrix was summoned in this case in compliance of Section 439(1A) of the Cr.P.C. Her appearance was recorded on 14-02-2020 and she had clearly opposed the application for grant of bail, which is recorded in the order sheet.

5. Heard learned counsel for the parties and perused the documents.

6. It is alleged that this applicant who happens to be uncle of the minor prosecutrix of age below 9 years had been continuously exploiting the minor prosecutrix sexually in various manners since she was of age 7 years, the last incident being of 15-02-2018.

7. Considering the seriousness of the allegations against this applicant and that the submission made by the counsel for the applicant appears to be ground in defence which needs to be established in the trial, therefore, I do not find it to be 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. However, on the prayer made by learned counsel for the applicant the trial Court is directed to expedite the trial against the applicant and conclude the same as early as possible.

Sd/-

(Rajendra Chandra Singh Samant)
Judge