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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7051 of 2019**

Dashrath Manjhi @ Ramjane @ Dashrath Bareth S/o Munna Manjhi @ Munna Bareth @ Kunna Aged About 20 Years Presently R/o Sori Eent Bhatta, Ferumaan, Byas, District Amritsar (Punjab) Permanent R/o Village Binjhagiri, P.S. Nayagarh, Civil And Revenue District Nayagarh Odisha.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Gidhauri Tundra, Civil And Revenue District Baloda Bazar Bhatapara Chhattisgarh...(Non Applicant).

---- Respondent

For the Applicant	:	Shri Pragalbha Sharma, Advocate.
For the Respondent/State	:	Shri Jitendra Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.02.2020**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 22.7.2019 in M.Cr.C. No. 3250 of 2019. The applicant has been arrested in connection with Crime No.10 of 2019, registered at Police Station – Gidhauri Tundra, District – Baloda Bazar- Bhatapara, Chhattisgarh for the offence punishable under Sections 363, 366, 368 and 376 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The prosecutrix had been a consenting party. The age of the prosecutrix had been contested by the applicant in the trial and the witness who has appeared for proving the entry in the school

register clearly said that he is not the scribe of the same entry, therefore, the applicant has a case in his defence. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the deposition in the trial Court cannot be appreciated by the Court considering on bail and further, the prosecutrix in this case has not been declared hostile, who has supported the prosecution very well. Hence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicant has abducted the minor prosecutrix and took her to various places where he kept her in confinement and also raped her.

6. Considering the fact that the trial is at progress which is likely to be completed in short time and also considering the other evidence that is present, I do not feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge