

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7242 of 2019**

Dani Ram Ratre S/o- Sarju Ram Ratre Aged About 48 Years R/o- Ayodhya Nagar, Changorabhatha, Police Station- D.D. Nagar, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station D. D. Nagar, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Y.C. Sharma, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2020**

Heard.

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.91 of 2019, registered at Police Station – D.D. Nagar, District – Raipur, Chhattisgarh for the offence punishable under Sections 376(ka, kha) and 450 of the Indian Penal Code and Sections 4 and 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 13.3.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix has been examined before the

trial Court and she has made admissions in her cross-examination which suggest that she is not a truthful witness. Hence, 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 age of the prosecutrix is only 11 years and the prosecutrix had been consistent in her statement given in the investigation and also before the Court, however, the appreciation of the Court statement has to be made by the trial Court for pronouncement of the judgment. Hence, he is not entitled for grant of bail.

4. Informant – Dhaneshwari Jangde is present before this virtual Court through the Help-Desk of the High Court. She made a statement that she has serious objection in grant of bail to the applicant.

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

6. As per the prosecution case, it is alleged that in the intervening night of 23rd and 24th of February, 2019, this applicant has raped the minor prosecutrix of age only 11 years. After the prosecutrix narrated about this incident to her mother – Dhaneshwari Jangde, she has lodged the FIR.

6. Considered the material present against this applicant and also perused the copy of the deposition of the prosecutrix filed by the applicant's side. The prosecutrix is not a hostile witness and the quality of her

statement given before the Court can be examined only by the trial court at the stage of pronouncement of the judgment, this is not to be done by the Court considering on the application for bail, therefore, I do not find any reason to allow this bail application.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge