

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7984 of 2019

- Shyam Kumar Sahu S/o Ramkhilawan Aged About 21 Years R/o Chhatan, Police Station Fasterpur, District Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Lalpur, District Mungeli Chhattisgarh

---- Respondent

For Applicant	: Shri Vijay Kumar Sahu, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

25/02/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 122/2018 registered at police station Lalpur, District Mungeli (CG) for the offence punishable under Sections 363,366,376(घ)(क), 342,34, 376(3) IPC; Sections 5 (द), 6 and 4 of the Protection of Children from Sexual offences Act and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

As per prosecution case, the applicant and the co-accused abducted the prosecutrix while she was returning home from school and they detained her and committed rape on her.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case. He submits that the applicant is in jail since 20.03.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application. Father of the prosecutrix who is also present in the Court, has stated that he has objection if the applicant is granted bail.

Having heard counsel for the parties, considered the totality of the facts and also that the father as well as the prosecutrix has stated about the offence committed by the applicant, I am not inclined to release him on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)

Judge