

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 515 of 2021

- Girish Kumar Sahu @ Sonu, S/o Mr. Panch Ram Sahu, Aged About 27 Years, R/o Sankaracharya, Near Hanuman Mandir, H. No. 94, Janta Colony Gudhiyari, Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Gudiyari, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:Mr. Sharad Prakash Yadav, Advocates.
For Respondent/State	:Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/02/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.222/2020 registered at Police-Station-Gudiyari, Raipur(C.G.) for the offence punishable under Sections 365, 376 DA, 506 of IPC and Section 4, 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The FIR and the

other statement of prosecutrix does not identify the applicant and the TIP(Test Identification Parade) of this applicant is also doubtful. Further, the medical examination report of the prosecutrix also does not support the prosecution case, therefore, this applicant is innocent. Hence, it is prayed that applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of prosecutrix was only 14 years 2 months and 5 days on the date of incident. There is evidence that she was forcefully abducted by this applicant and other co-accused persons and then she was gang raped by them, therefore, there is no case for grant of bail to the applicant.
4. The father of the prosecutrix Ganesh Bahadur is present before this Court. He submits that he has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant along with other co-accused persons abducted the minor prosecutrix of age below 16 years by use of force and then she was taken to a lonely place where all of them raped her one by one and thus committed the offence of gang rape.
7. Considered on the submissions. Although there is a statement of no objection from the complainant side, but looking to the statement that is present in the case diary and allegation against this applicant for commission of offence of gang rape and also the evidence of his identification in TIP, I do not feel inclined to allow the bail application of

this applicant.

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha