

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 688 of 2021**

- Shaikh Afsar @ Golu S/o Lt. Shri Shaikh Husan Kadar Aged About 20 Years R/o Kadarbada Gurunanak Chowk, P.S. Moudhapara, District Raipur (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Mana Camp, District Raipur (C.G.).

---- Non-applicant

For Applicant : Shri Pragalbha Sharma, Advocate.

For Non-applicant : Shri Uddhav Sharma, Government Advocate

Hon'ble Shri Justice Narendra Kumar Vyas**Order On Board****25.06.2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail in connection with Crime No. 48/2020 registered at Police Station Mana Camp District – Raipur (C.G.) for the offence punishable under Sections 377, 34 of IPC.
2. As per the prosecution case, the allegation against the present applicant, who is a prisoner at the Child Protection Home at Mana Raipur, is that he along with other co-accused persons had committed an unnatural offence over the victim and tortured him both physically and mentally. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the complainant has been examined before the learned Trial Court and he has been declared hostile and he denied the allegations made against the applicant. He further submits that since the complainant has denied the incident, the applicant is entitled to be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that as reflected from the case diary, statements of other witnesses have also been recorded and have supported the prosecution case. Further, the applicant is also involved in another crime, bearing registration No. 140/2007 for the offence punishable under Sections 302, 307,34 of IPC.
5. I have heard learned counsel for the parties and perused the case diary.
6. From the perusal of the diary and the materials collected during the investigation, considering the totality of the facts and circumstances of the case, quality of the evidence and gravity of the crime in question, I am not inclined to release the applicant on bail.
7. The bail application filed by the applicant liable to be dismissed and is accordingly dismissed.

Sd/-

(Narendra Kumar Vyas)
Judge