

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1541 of 2021

- Rampreet Ram, S/o Ramnandan Ram, Aged About 22 Years, R/o Village-Ghaghara, Dudhniyapara, Police Station-Pasta, District-Balrampur, Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Pasta, District-Balrampur, Ramanujganj.

---- Respondent

For Applicant : Mr. P.K. Patel, Advocate.

For State/respondent : Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/07/2021

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.6537 of 2020 vide order dated 2.11.2020 was dismissed as withdrawn.
2. 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.35/2020 registered at Police-Station-Pasta, District-Balrampur,

Ramanujganj(C.G.) for the offence punishable under Section 363, 366, 376 & 323 of IPC and Section 4, 6 of POCSO Act, 2012.

3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 30.05.2020. He has committed no such offence as alleged. The prosecutrix had been examined in the trial. She has made some admissions according to which her statement is doubtful, therefore, it is prayed that this applicant may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear evidence present against this applicant regarding the commission of offence registered against him. therefore, the application be rejected.
5. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Balrampur on notice. She has stated that she has objection in grant of bail to this applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix and raped her. When the brother of the applicant came on the spot to intervene, this applicant thrashed him and caused hurt to him. Hence, this case.
8. Considered on the submissions. On perusal of the certified copy of deposition of the prosecutrix, it is found that she is not a hostile witness and she has supported the prosecution case, for these

reasons, I am of this view that this is not a fit case for grant of bail to the applicant.

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

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha