

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 2158 of 2021**

Fatte Lal Kosare S/o Mangaldas Kosare Aged About 30 Years R/o Village Abadipara, Navagaon, Police Station Gunderdehi, District Balod Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Gunderdehi, District Balod Chhattisgarh.

**---- Respondent**

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For the Applicant : Shri Hemant Gupta, Advocate.  
For the Respondent/State : Shri Ajay Kumrani, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****02.08.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 19.6.2020 in M.Cr.C. No. 3318 of 2020 with liberty to revive after examination of the material witnesses. The applicant has been arrested in connection with Crime No.126 of 2020, registered at Police Station – Gunderdehi, Chhattisgarh for the offence punishable under Section 363 and 376 of the Indian Penal Code and Sections 4 & 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 6.3.2020 and has been falsely implicated in this case. It is a case of false implication for the reason that the wife of this applicant had lodged FIR

earlier against one – Prakash Deshlahre for the offence of rape and also that Prakash Deshlahre is a relative of the complainant and the prosecutrix in this case, therefore, the present FIR has been lodged against the applicant to falsely implicate him. The prosecutrix has been examined in the trial and it was suggested to her in cross-examination that there was one FIR lodged against her maternal uncle, which she had denied, therefore, the case against this applicant is highly improbable. 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 there are clear allegations present against this applicant in the present case, in the FIR lodged and in the statement of the prosecutrix and other witnesses, however, the prosecutrix who has been examined in the trial is not a hostile witness, therefore, no case is made out for grant of bail to the applicant.

4. Complainant – Gomti Koshri is present before this virtual Court through the Help-Desk of DLSA, Balod. She made a statement that she has strong objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by taking her to a lonely place, he raped her. Hence, this case.

7. Considered the submissions and the facts present in this case. Looking to the diary statement of the witnesses present against this applicant and also considering the fact that the prosecutrix is not a hostile witness in the trial and she has supported the prosecution case, I do not feel inclined to grant regular bail to the applicant.

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

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge