

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2856 of 2021

- Durgesh Yadav S/o Late Vishnu Prasad Yadav, Aged About 47 Years, R/o Ward No.23, Sahdev Nagar, Thana Kotwali, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh, Through Police Station Ghumka, District Rajnandgaon Chhattisgarh

----Non-applicant

For Applicant – Shri Parag Kotecha, Advocate.

For Non-applicant/State – Smt. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 23-01-2021 in connection with Crime No.22/2021 registered at P.S. - Ghumka, District Rajnandgaon, Chhattisgarh for the offence under Section 376 (2)() of the IPC and Section 4, 5, 6F of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 23-01-2021. Charge sheet has been filed. The story of the prosecution is not believable as on the date of incident, i.e., 22-01-2021 lock down was in impact, therefore, the statement of the prosecutrix that she was called by the applicant to the school where she was raped appears to be false statement. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that in January, 2021 there was no lock down. Further, the statement of the prosecutrix under Section 161 of the Cr.P.C. is clear and

categorical against the applicant. Therefore, the application may be rejected.

4. The complainant had appeared virtually before this Court on 23-07-2021 and strongly objected to grant of bail to the applicant.

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

6. According to the prosecution case, this applicant is a teacher of the minor prosecutrix and she is a student. The applicant called the minor prosecutrix to the school for assisting her in completion of some project, then he forcibly raped her.

7. Considered on the submissions. Looking to the statement of the prosecutrix and other evidence present, I do not feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge