

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2730 of 2021

- Shiva Chauhan S/o Anil Chauhan, Aged About 22 Years, R/o Ward No. 30, Kaidimuda, O.P. Jutmil, P.S. City Kotwali, Raigarh, District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through the Station House Officer, Outpost Jutmil, Police Station-City Kotwali, District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Manoj Kumar Jaiswal, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-09-2020 in connection with Crime No.684/2020 registered at P.S. - Outpost Jutmil, Police Station-City Kotwali, District- Raigarh, Chhattisgarh for the offence under Section 376(2)(i) of the IPC and Section 4, 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application, MCRC No.7628 of 2020 was dismissed as withdrawn on 12-01-2021. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. He is in jail since 19-09-2020. The minor victim and other witnesses have been examined in the trial, therefore, there is new development looking to the statement that has been made. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear statement of the victim and her mother who is the

complainant against this applicant and their statement is supported with the medical evidence. The medical examination report shows that the victim was sexually assaulted. Therefore, the application may be rejected.

4. The complainant is virtually present through Help Desk of the High Court. She has objection in 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 has sexually assaulted the minor victim of age about four years by touching and inserting finger in her private parts, regarding which the FIR has been lodged.

7. Considered on the submissions and perused certified copy of the deposition of the victim and her mother. It is found that they have supported the prosecution case. Hence, looking to this circumstance and the case against the applicant, 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