

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2633 of 2021

- Sheikh Imam @ Raju S/o Sheikh Rehman Aged About 40 Years R/o Subhash Nagar, Takhatpur, Tehsil Takhatpur, District- Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. - Sakri, District- Bilaspur Chhattisgarh

---- Non-applicant

For Applicant : Ms. Shailja Shukla, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 04.11.2020, in connection with Crime No.304/2020 registered at Police Station— Sakri, District- Bilaspur, C.G. for offence punishable under Sections 376, 294 and 506 of I.P.C. and Section 04 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The F.I.R. lodged is totally false. The prosecutrix and her mother are not appearing in the Court for their examination in trial. The doctor has been examined, who has examined the prosecutrix after incident. He has reported that no injury was found on the body of the victim. And further, her hymen had old tear which was healed, which shows that she was habitual for

the sexual intercourse. Therefore, it is a case of false implication. Applicant is in jail since 04.11.2020. The trial against him is getting prolonged, therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submissions made by the learned counsel for the applicant and submits that this applicant is the father of the minor victim. There is clear evidence of the victim under Section 161 and 164 of Cr.P.C. against this applicant, therefore, this applicant is not entitled for grant of bail.
4. The prosecutrix herself is virtually present before this Court through the Help Desk of this High Court and she has strong 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, it is alleged that this applicant, who happens to be the father of the minor victim took her to a forest, where he by use of physical force raped her regarding which, F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions. As the applicant happens to be the father of the victim, therefore, the allegation against him is of very serious nature and looking to the direct statement of the victim present against him under Section 161 and 164 of Cr.P.C., 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