

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2582 of 2021**

Ramesh Yadav S/o Shivkumar Yadav Aged About 35 Years R/o Village Silpahari, Police Station Sirgitti, Tahsil Bilha, Civil And Revenue District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sakri, Civil And Revenue District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Shri Devesh G. Kela, Advocate.
For the Respondent/State : Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.07.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.40 of 2021, registered at Police Station – Sakri, District – Bilaspur, Chhattisgarh for the offence punishable under Section 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 28.1.2021 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The story of the prosecution is full of doubts. In fact, the applicant was abused and beaten by the complainant and others regarding which, the wife of the

applicant made an attempt to lodge FIR but her FIR was not lodged. The complainant has lodged totally false FIR against the applicant. The witnesses of the locality have not been examined by the police, if examined would have made clear the actual incident that has taken place, therefore, the whole prosecution story is full of doubts. 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 is clear statement of the prosecutrix under Sections 161 and 164 of the Cr.P.C. against this applicant. Hence, no case is made out for grant of bail to the applicant.

4. Complainant – Prahlad Yadav is present before this virtual Court through the Help-Desk of the High Court. He made a statement that he 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, on the date and time of incident, the minor prosecutrix had been to the badi for urinating when this applicant caught hold of her and by use of physical force took her to the bathroom where-after, by disrobing her he committed the offence of rape. When the applicant was running away from the spot, the parents of the victim noticed and subsequent to which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. The story of the applicant can be raised in future defence. For the present, on the basis of the direct statement of the victim and others, 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