

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2865 of 2021**

- Shyamdas Manikpuri S/o Katludas Manikpuri, Aged About 58 Years, Caste Panka, R/o Village of Jagat, Basna, Tahsil Basna, Police Station Basna, District Mahasamund Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh, Through: Station House Officer, Police Station Basna, Civil and Revenue District Mahasamund Chhattisgarh

**----Non-applicant**

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For Applicant – Shri Sunil Verma, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

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**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 first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 14-08-2020 in connection with Crime No.386/2020 registered at P.S. - Basna, District Mahasamund, Chhattisgarh for the offence under Section 363, 376-A, B of the IPC and Section 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 14-08-2020. The prosecutrix has been examined in the trial and she has not made any statement regarding sexual assault. Therefore, looking to this circumstance, the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence present against this applicant in the prosecution case. Therefore, the application may be rejected.

4. Complainant Phagani is virtually present through Help Desk of the High Court. 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, on the date of incident this applicant caught hold of the minor victim of age about 7 years and then by taking her to a lonely place he disrobed her and committed sexual penetrative assault on her.
7. Considered on the submissions and also after perusing certified copy of the deposition of the minor victim, I am of this view that it is not a fit case for grant of bail.
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**