

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3480 of 2021

- Ravindra Kumar S/o Shri Mohik Lal Aged About 30 Years Asstt. Manager Punjab National Bank, R/o Krishna Tower, Near Railway Station, Tilda, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Tilda-Nevra, District Raipur (Chhattisgarh)

---- Non-applicant

For Applicant	:	Mr. Saleem Kazi, Advocate.
For Non-applicant/State	:	Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

06-08-2021

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 27.03.2021, in connection with Crime No.119/2021 registered at Police Station— Tilda- Nevra, District- Raipur, C.G. for offence punishable under Sections 376, 376(2) and 354(b)(1)(i) of I.P.C. and Section 04 of POCSO Act, 2012.
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 applicant is employed as Assistant Manager of Punjab National Bank. The complainant firstly made allegation against the applicant regarding exploiting her on false pretext of marriage. Subsequent to that, the complainant has made use of her minor daughter alleging sexual

assault against the applicant. The minor victim, in this case, has not made any specific statement regarding sexual assault and the medical report is also negative in that respect, therefore, it is clear that the allegations in the prosecution case against this applicant are totally false. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the allegations against this applicant are of very serious nature that he firstly sexually exploited the complainant on pretext of marrying her and subsequent to that, he also sexually assaulted the minor daughter of the complainant by outraging her modesty and also making penetrative assault on her. Hence, the applicant is not entitled for grant of bail.
4. The complainant had appeared virtually appeared before this Court on 30.07.2021 and she has strongly objected in grant of bail to this applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the complainant, who is the mother of the minor victim, has lodged F.I.R. against the applicant stating that she got acquainted with the applicant. The applicant after promising that he will marry the complainant and will take care of her children started sexually exploiting her and the intimacy grew between them. Later on, this applicant refused to marry the complainant and threatened her that he will defame her and her daughters. It is alleged that in the month of February 2021, this applicant gave lift to the minor prosecutrix in his car and during the drive, he inappropriately touched her and also inserted his finger in her private part. Subsequent to which, he also threatened and abused her. This has occurred on more than one occasions. Then, the F.I.R. has been lodged. Hence, this case.

7. Considered on the submissions, although there are some discrepancies in the statement of minor victim, given under Section 164 of Cr.P.C. but her statement against the applicant is clear under Section 161 of Cr.P.C. regarding the sexual assault on her. As it is a case, in which the applicant has already exploited the mother of the victim and it is alleged that he has made penetrative assault on the minor daughter of the complainant. Hence, looking to the seriousness of the allegations, 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