

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3682 of 2021

- Pramod Kumar Sahu S/o Sharda Prasad Sahu, Aged About 21 Years, R/o Village Godhi, Police Station Nandani Nagar, District Durg Chhattisgarh, Permanent Resident of Amleshwar, Police Station Amleshwar District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nandani, District Durg Chhattisgarh,

----Non-applicant

For Applicant – Mr. Tarendra Kumar Jha, Advocate.

For Non-applicant/State – Ms. Smriti Shrivastava, Panel Lawyer.

Shri Kishore Narayan, Advocate for the complainant/objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2021

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 11-03-2021 in connection with Crime No.44/2021 registered at P.S. - Nandani, District Durg, Chhattisgarh for the offence under Section 363, 376, 376(2)N of the IPC and Section 5᳚, 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. There had been affair of the applicant with the prosecutrix. The FIR is delayed and further, the prosecutrix has refused to undergo medical examination after the incident. Therefore, the case against the applicant is totally doubtful. Charge sheet has been filed. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 164 of the Cr.P.C. is clear and categorical, therefore, no case is made out for grant of bail.

4. Learned counsel for the objector adopts the argument of the State counsel and submits that the application may be rejected.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 15 years and then forcibly subjected her to rape. Hence, this case.
7. Considered on the submissions. Looking to the statement present against this applicant in the case diary, 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