

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3900 of 2021

- Rajkumar Lahare S/o Phoolchand Lahare Aged About 26 Years Residing At Village Premnagar Kondagaon District Kondagaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kondagaon, District Kondagaon Chhattisgarh

---- Non-applicant

For Applicant : Mr. P.K. Tulsyan, Advocate.

For Non-applicant/State : Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-08-2021

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 23.02.2021, in connection with Crime No.20/2021, registered at Police Station- Kondagaon, District- Kondagaon, C.G. for offence punishable under Sections 506 and 376 of I.P.C. and Section 04 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 23.02.2021. Although, there is allegation made against the applicant that he has raped the minor prosecutrix, but the medico legal examination report of the prosecutrix shows that there was no sign of injury found on her body. Therefore, the allegation of forcible rape with her is in doubtful. The trial against the applicant likely to take some time. Therefore, it is

prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is direct statement of prosecutrix under Section 164 of Cr.P.C. regarding the commission of offence of rape, therefore, it is prayed that this application may be rejected.
4. The complainant had virtually appeared before this Court on 22.07.2021 and objected 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, the minor prosecutrix of age about 14 years had been to some ceremony, from where the applicant dragged her to a lonely place and forcibly raped her regarding which F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions. Looking to the statement of prosecutrix, making direct allegation against this applicant and the other circumstances, 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