

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 6167 of 2021

Simanchal Yadav S/o Fulchand Yadav, Aged About 21 Years, R/o Damp Chouk Stor Para Puraina, Bhilai, P.S -GRP, Bhilai, District : Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through- Station House Officer, Police Station- GRP, Bhilai, District -Durg, (C.G.).

--- Respondent

For Applicant	: Mr. Tarun Dansena, Advocate.
For Respondent/State	: Mr. Sudhir Sahu, PL.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

24/08/2021

Heard.

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.66/2020, registered at Police Station- GRP, Bhilai, District -Durg, (C.G.), for commission of offence punishable under Sections 376 (2) (r), 506 part 2 of the Indian Penal Code and Sections 6 & 4 of the Protection of Children From Sexual Offences Act, 2012.
2. Case of the prosecution is that on 28.09.2020 in night applicant came to house of prosecutrix, called and took her to his own house and after closing door committed forceful intercourse with her. Upon searching prosecutrix, her mother came to house of applicant at about 4:00 am in night and took prosecutrix alongwith her. Thereafter report was lodged based upon which, instant crime is register against applicant.
3. Learned counsel for the applicant submits that second bail application is filed based on evidence of prosecutrix recorded before the trial Court where she has not supported case of prosecution. He referred to

evidence of prosecutrix filed alongwith covering memo. He further submits that in view of evidence of prosecutrix, applicant may be released on regular bail.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that prosecutrix in her examination-in-chief has clearly stated the commission of act by applicant of making physical relation. On the date of incident, age of prosecutrix is less than 18 years, hence, applicant is not entitled for grant of regular bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, age of prosecutrix, and further that while considering bail application evidence recorded by trial Court cannot be appreciated, I do not find it to be a fit case to allow this application.
7. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-