

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6531 of 2021

Suryaprakash Lahre @ Nanu, S/o. Kawalram Lahre, Aged About 20 Years,
R/o. Laal Chowk, Village Kirari, Police Station Masturi, District Bilaspur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Vidhansabha, District
Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Seema Singh, Advocate

For Respondent : Ms. Akshara Amit, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.142/2021 registered at Police Station- Vidhansabha, Raipur, for the offence punishable under Section 376 of Indian Penal Code & Section 4, 6 of POCSO Act.
2. As per the prosecution case, the applicant who was neighbour of the prosecutrix on the pretext of marriage committed several times sexual intercourse, thereafter fled away from the scene and started residing at other place. Subsequently, the report having been made, the offence has been registered.
3. Learned counsel for the applicant would submit that the date of incident is 15.12.2020 and the report was made after five months on 30.04.2021 and there is nothing on record to show that the applicant has committed forceful sexual intercourse. Therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the argument as also the prosecutrix along with her mother who appeared through video conference objected to grant bail to the applicant.
5. Perused the case diary and the statement. Perusal of the statement and the case diary and the conversation which took place in between, at this stage, I am not inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge