

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6518 of 2021

- Devanand @ Deva Nishad, S/o Gautriha Nishad, aged about 22 Years, R/o Kotra, Police Station Ambagarh Chowki, District Rajanandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Police Station Ambagarh Chowki, Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicant	Shri Tanuj Patwardhan, Advocate.
For State	Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

29/11/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.205/2020 registered at Police Station- Ambagarh Chowki, Rajnandgaon, C.G. for the offence punishable under Section 376, 376(2)(i), 342 of Indian Penal Code and Sections 4 & 6 of POCSO Act.
2. Allegation against the present applicant is that he committed rape with the prosecutrix, a minor girl of 6 years.
3. Learned counsel for the applicant submit that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not played any role in alleged offence. The applicant is in jail since 06.11.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicant

be released on bail.

4. Learned counsel for the State opposes the bail application.
5. Prosecutrix had appeared along with her mother through virtual mode from DLSA, Rajnandgaon and she had raised objection to release of the applicant on bail.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the gravity of the offence, further considering the statement of the prosecutrix, her age i.e. 6 years, MLC of the prosecutrix and other evidence available with the case diary, without commenting anything on merits of the case, I am not inclined to release the applicant on bail at this stage.
8. Accordingly, the bail application is rejected.

Sd/-
Gautam Chourdiya
Judge

Akhilesh