

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6881 of 2020**

Manoj Kurre S/o Late Chandrika Prasad, Aged About 23 Years R/o Village Kanakpur, Police Station Premnagar, District Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Premnagar, District Surajpur Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Gurudev I. Sharan, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/02/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.41/2020, registered at Police Station – Premnagar, District – Surajpur (C.G.) for the offence punishable under Section 376, 506, 450 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 25.06.2020. There is no case against this applicant. Hence, it is prayed that the applicant may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there are clear and categorical evidence present against this applicant regarding commission of offence of rape with the minor prosecutrix of age 13 years, therefore, no case is made out for grant of

bail.

4. The complainant had appeared on notice before this Court on 23.11.2020 and has made strong objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant committed house trespass in the house of the minor victim when she was alone and then by putting her under threat, he forcefully raped her.
7. Considered on the submissions. Looking to the evidence present against this applicant, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge