

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7563 of 2020

- Amar Singh @ Buglu S/o Neelkanth, Aged About 19 Years, R/o Village - Tugwan, Police Chowki - Balangi, Police Station - Raghunathnagar, District - Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station - Raghunathnagar, District - Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sangeet Kumar Kushwaha, Advocate.

For Non-applicant/State – Shri Ravi Maheshwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-01-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-03-2020 in connection with Crime No.25/2020 registered at P.S. – Raghunathnagar, District - Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 363, 366, 376(2)(झ), 341, 506 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. Totally false FIR has been lodged against this applicant. The medical examination report of the prosecutrix does not support her version in the statement, therefore, the applicant is entitled for grant of bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the age of the prosecutrix was only 15 years and further she has given statement under Section 161 and 164 of the Cr.P.C. making clear allegation of rape against this applicant. Hence, no case is made out for grant of bail.

4. Notice were issued to the complainant/informant which has been

returned served, but there is no appearance and no representation.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the minor prosecutrix was abducted by co-accused persons namely Rameshwar, Ramlakhan and Ishwar Dayal who took her to agricultural field. It is alleged that this applicant came on the spot and got rid of the co-accused persons from there and then he kept the prosecutrix in his custody for the night and raped her.

7. Considered on the submissions and facts of the case and I am of this view that it is not a fit case for grant of bail to the applicant.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge