

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7092 of 2021**

Ballu @ Chhabiram (Chhabilal) Yadav S/o Manharan Yadav Aged About 19 Years R/o Village Nandani Khudani, Police Station Nandaninagar, Tahsil Dhamada, District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Nandani Khudani, District Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Punit Ruparel, Advocate.
For the Respondent/State : Shri Ravi Bhagat, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.10.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 11.8.2021 in M.Cr.C. No. 4501 of 2021. The applicant has been arrested in connection with Crime No.57 of 2021, registered at Police Station – Nandani Khudani, District Durg, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 6.2.2021 and has been falsely implicated in this case. It is submitted that the circumstances have changed in favour of the applicant. The prosecutrix and her mother both have been examined in the trial. Although,

the prosecutrix has supported the case of the prosecution but her admissions in cross-examination make her unreliable witness. Further, the mother of the prosecutrix has turned hostile. Hence, it is prayed that the applicant be enlarged 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 the prosecutrix was minor and further, no case is made out for grant of bail to the applicant. Hence, he is not entitled for grant of regular bail.

4. Notice issued to the complainant/ informant has been returned served but there is no appearance or representation.

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

6. According to the prosecution case, on the date of incident, when the prosecutrix was on her way to home, this applicant forcibly dragged her to the shrubs and then, without her consent and willingness, he raped her. The prosecutrix also happened to be a minor of age below 18 years. Hence, this case.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix before the Court below and the other circumstances present, I am of this view that it is not a fit case for grant of regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi