

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7246 of 2021

1. Yuvraj Barle S/o Hemdhar Barle Aged About 18 Years R/o Village Haransindhi, Police Station Ranchirai, District Balod, Chhattisgarh, District : Balod, Chhattisgarh
2. Jitendra Barle S/o Hemdhar Barle Aged About 20 Years R/o Village Haransindhi, Police Station Ranchirai, District Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Ranchirai, District Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Respondent

For Applicants : Shri Malay Shrivastava, Advocate

For Non-applicant : Shri Raghavendra Verma, Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

26/11/2021

1. Applicants have filed this application under Section 439 of Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No.67/2020 registered at Police Station- Ranchirai, District- Balod (C.G.) for the offence punishable under Sections 376 (2) (f), 450, 342 of IPC, Sections 4, 5 (I), 5 (m), 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the prosecutrix narrated her mother on 30.5.2020 that the present applicants have committed sexual

intercourse with her since last 3 years. Thereafter, father of the prosecutrix lodged FIR on 30.5.2020, based upon which, aforementioned crime was registered against the applicants.

3. Shri Malay Shrivastava, learned counsel for the applicants submits that absolutely false and baseless allegations have been levelled against the applicants. The applicants have not committed any offence as alleged against them. They are in jail since 31.5.2020. Hence, they may be enlarged on bail. He also submits that he has filed document (Annexure A-3), wherein it is mentioned that applicant No.2 is suffering from Hydatid Cyst disease and it is opined for its operation. Hence the applicants may be enlarged on regular bail.
4. Shri Raghavendra Verma, learned counsel appearing for the State submits that on the date of first incident i.e. 10.3.2017, prosecutrix was only 8 years of age. He also submits that prosecutrix has levelled serious allegations also in the statements recorded under Sections 161 & 164 of Cr.P.C. Hence they are not entitled to grant of bail.
5. Father of the prosecutrix appeared through virtual mode from District Legal Services Authority, Balod and has raised strong objection in grant of bail to the applicants.
6. I have heard learned counsel for the parties.
7. Perusal of the document (Annexure A-3) would show that under the letter, consent for undergoing operation of applicant No.2 is already

granted on 20.7.2021, which shows that treatment is provided to applicant No.2 and there is no document placed on record as to the status of applicant No.2 after July 2021.

8. Taking into consideration the nature of allegations, age of the prosecutrix, I do not find it to be a fit case for grant of bail.
9. The application is accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge