

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7248 of 2021

1. Raju S/o Shri Santosh Aged About 19 Years Caste-Bawa R/o-Gaddha Dafai, Ward No. 15, Haldibadi, Police Station- Chirmiri And District Korea (Chhattisgarh)

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station- Chirmiri District Korea (Chhattisgarh)

---- Respondent

For Applicant

Mr. Hemant Kumar Agrawal, Advocate

For Respondent /State

Mr. Raghvendra Verma, Govt. Advocate

Order on BoardByHon'ble Shri Justice Goutam Bhaduri10/12/2021

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.189/2021, registered at Police Station Chirmiri, Distict Korea (CG), for the offence under Sections 450, 376, 376(3) of the Indian Penal Code and Section 4 of the POCSO Act (*as per rejection order*).
3. As per the prosecution case, on 4-7-2021 the applicant forcibly entered into the house of the prosecutrix, who was 15 years of age, while her parents went to collect coal, tied her hands; gaged her mouth by a cloth; and forcibly committed sexual intercourse with her.

4. Learned counsel for the applicant would submit that the statement of the prosecutrix would show that she has made a false allegation only to gain the monetary benefit.
5. Learned counsel for the State, per contra, would oppose the bail application.
6. On going through the record, it is evident that on 28-10-2021 the prosecutrix along with her mother appeared before this Court through video conferencing from DLSA, Baikunthpur, Korea, and strongly objected the bail application.
7. Statements of the prosecutrix (PW-2); her mother (PW-1) and Dr. Kushboo Baid (PW-3) have already been recorded by the Court below. Thus, while deciding the bail application, I am not inclined to evaluate the evidence which is on record. Let it be decided by the trial Court.
8. Considering the entire facts situation of the case and further considering the objection raised by the prosecutrix, I am of the opinion that present is not a fit case to release the applicant on regular bail.
9. Accordingly, the bail application is rejected.

Sd/-

(Goutam Bhaduri)
Judge

Gowri