

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7239 of 2021

1. Shrawan Kumar Sori S/o Suklu Ram Sori Aged About 20 Years
R/o Budara Plotpara P.S. Makdi District Kondagaon Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through The Police Station Makdi, District
Kondagaon Chhattisgarh.

---- Respondent

For Applicant

Mr. P.K. Tulsyan, Advocate

For Respondent /State

Mr. Animesh Tiwari, Dy. Adv. Gen.

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.28/2021, registered at Police Station Makdi, District Kondgaon (CG), for the offence under Sections 376, 450, 506 of the Indian Penal Code; Section 4 of the POCSO Act; and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. As per the prosecution case, in the intervening night of 22nd & 23rd May, 2021 the applicant forcibly entered into the room of the prosecutrix, who was aged about 16 years, and committed forcible

sexual intercourse. When her father came there the applicant ran away by pushing him.

4. Learned counsel for the applicant would submit that the FIR was lodged on 27-5-2021 and the medical report do not categorically support that prosecutrix was subjected to forcible sexual intercourse. Thus, the applicant may be enlarged on bail.
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 father appeared before this Court through video conferencing from DLSA, Kondgaon, and strongly objected the bail application.
7. Considering the entire facts situation of the case, particularly considering the statement of the prosecutrix recorded under Section 161, 164 Cr.P.C., 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.
8. Accordingly, the bail application is rejected.

Sd/-

(Goutam Bhaduri)
Judge

Gowri