

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7852 of 2020

- Rathram Kenwat S/o Late Bhaiya Ram Kenwat, Aged About 30 Years, R/o Rainpur, Karra, Police Station Ratanpur, District Bilaspur, Chhattisgarh Permanent R/o Village Kotmisonar, Police Station Akaltara, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ratanpur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Smt. Savita Tiwari, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Shri Pradeep Kumar Jogi, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-01-2021

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 16-07-2018 in connection with Crime No.243/2018 registered at Police Station – Ratanpur, District Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The date of incident is 14-07-2018, whereas, the FIR has been lodged after a delay of two days on 16-07-2018. The complainant was informed about this incident by one Latel Ram, but Latel Ram who has been examined in the trial has not supported the prosecution case. Therefore, this is a change in circumstances in favour of the applicant. The applicant is in jail since about more than two years and the trial has not been concluded till date. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the submission

made by learned counsel for the applicant and submits that the prosecutrix in this case was of age about 7 years on the date of incident and further she has made statement before the Court against this applicant regarding commission of offence of rape by him. The medical evidence also corroborates her statement. Most of the witnesses have been examined and the trial is almost going to complete. Therefore, no case is made out for grant of bail.

4. Complainant Sunita Patel is present before this Court with counsel and she has stated that she has strong objection in grant of bail.

5. Heard the submissions made and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age about 7 years on the date of incident and then he took her to Khuntaghat where he committed offence of rape with her.

7. Considered on the submissions and facts of the case and also perused the copy of depositions filed along with the petition and after perusal of the same, 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