

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7274 of 2021**

- Ajay Khunte S/o Shri Rampyare Khunte Aged About 24 Years R/o Village Bharari, Police Station Pachpedi, Civil And Revenue District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Chauki Malhar, Police Station Masturi, Civil And Revenue District Bilaspur Chhattisgarh.

---- Respondent

 For Applicant : Shri Paras Mani Shriwas, Advocate
 For respondent/State : Smt. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****28.10.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 26.7.2021 in connection with Crime No.375/2021 registered at Police Station Masturi, Distt. Bilaspur (C.G.), for the offence punishable under Sections 376 of the Indian Penal Code and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. Brief facts of the case are that on 24.7.2021 at about 7.30 pm, the applicant had gone to the house of the minor victim/prosecutrix for her treatment by black magic (jhad phook). The applicant had taken the minor victim/prosecutrix to a separate room and on the pretext of her treatment, he asked her

to remove her clothes and after putting clothes on her mouth, he committed rape with her. On being lodged report by the victim/prosecutrix, FIR under Section 376 of IPC and Sections 3 & 4 of the POCSO Act have been registered. After investigation, the Police has filed charge sheet under the aforesaid sections against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent, he has not committed the alleged offence, the applicant and the victim/prosecutrix belong to same community and residents of nearby village, hence both of them were in talking terms, but parents of the victim/prosecutrix do not want the same, therefore, on behest of her parents, the victim/prosecutrix lodged false report against the applicant. He further submits that medical document does not support the case of the prosecution. The applicant is in jail since 26.7.2021, charge sheet has been filed and trial will take long time for conclusion, hence, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that it is a case of rape of minor girl, that too in the name of treatment by black magic. She further submits that in the medical report also injury has been found in person of the victim/prosecutrix, hence, the applicant is not entitled for grant of bail.

5. The victim/prosecutrix along with her father appeared in person before this Court and they have objected the bail application filed by the applicant.

6. I have heard learned counsel for both parties and perused the case diary and the material available on record.

7. Considering the facts and circumstances of the case, nature and gravity of offence and also the medical report of the victim/prosecutrix, I do not feel inclined to grant bail to the applicant. Accordingly, application under Section 439 of the CrPC for grant of bail to the applicant is hereby rejected. However, the applicant may revive his prayer after examination of the material witnesses.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE