

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7949 of 2021

Ramchandra Dewangan S/o Om Prakash Dewangan (*wrongly mentioned as Das*), Aged About 34 Years, R/o Targawa (School Para), Police Station Patna, District Koriya, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Patna, District Koriya, Chhattisgarh.

---- Non-applicant

 For Applicant : Shri Anil Gulati, Advocate
 For Non-applicant/State : Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

07.12.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 12.07.2021 in connection with Crime No.187 of 2021 registered at Police Station Patna, District Koriya (C.G.) for commission of the offence punishable under Sections 376(2)(n), 450 of Indian Penal Code.
2. Case of prosecution is that, on 08.07.2021, when complainant came inside the house, she saw the applicant committing sexual intercourse with her daughter, who is mentally retarded. Incident was reported to concerned police station, based upon which, aforementioned crime was registered and applicant was arrested.
3. Shri Anil Gulati, learned counsel for the applicant would submit that applicant has been falsely implicated in this case and he has not committed any offence as alleged against him, hence, applicant may be enlarged on regular bail.

4. On the other hand, Shri Amit Kumar Verma, learned Panel Lawyer representing the State while opposing the submissions made by learned counsel for the applicant would submit that complainant, who is mother of prosecutrix herself saw the act of applicant committing aforementioned crime. He further submits that in MLC report also, allegation levelled against the applicant has been found positive. Further examination of applicant by Psychiatrist, in which, he reported that prosecutrix is mentally retarded. The offence committed by applicant is heinous, hence, he is not entitled for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, statement of eyewitness (mother of prosecutrix) and MLC report of prosecutrix, I do not find it to be a fit case to enlarge the applicant on bail. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge