



**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4222 of 2023**

- Nemu Sahu S/o Kaliram Sahu, Aged About 30 Years R/o Village Umrao Nagar, Police Station Thankhamharia, District Bemetara Chhattisgarh. --- **Petitioner**

**Versus**

- State Of Chhattisgarh Through Station House Office, Police Station Out Post Padmanabhpur P.S. Durg District Durg Chhattisgarh.

**--- Respondent**

*CAUSE TITLE TAKEN FROM CIS PERIPHERY*

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For Applicant : Ms. Iturani Mukherjee on behalf of  
Mr. Jitendra Gupta, Adv.  
For Respondent/State : Mr. G. P. Kurre, PL.  
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**Hon'ble Shri Justice Deepak Kumar Tiwari**  
**Order On Board**

**20.06.2023**

This application under Section 439 Cr.P.C. for grant of bail has been filed by the accused/applicant who is languishing in jail since 28.03.2023 in connection with Crime No.51/2023 registered at Police Station Outpost Padmanabhpur, PS Durg, District Durg for the offence punishable under Sections 376 (2) (F) of IPC and Section 4 of the POCSO Act.

2. Prosecution case, in nutshell, is that on 27.03.2023 when minor prosecutrix was sleeping in her room, her brother-in-law (Jija) entered in her room and committed rape with her. Thereafter, she resisted the applicant and ran away from the spot and locked the door from outside. On the basis of aforesaid allegation, FIR has been lodged against the applicant.

3. Learned counsel for the applicant submits that the accused/applicant is innocent and has been roped in a false case. She further applicant languishing in jail since 28.03.2023 and conclusion of the trial is likely to take some more time, therefore, he may be



enlarged on bail.

4. *Per contra*, learned State counsel opposes the bail application.

5. Having considered the submissions of learned counsel for the parties, considering the totality of the facts and circumstances of the case, particularly considering the statement of the prosecutrix, allegations are appearing serious in nature, therefore, I am not inclined to grant bail to the applicant.

6. Accordingly, the application is **rejected**.

Sd/-

(Deepak Kumar Tiwari)  
Judge

