

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3850 of 2017

- Ajay Sarthi @ Sanju @ Chhotu S/o Kani Sarthi, Aged About 22 Years
R/o Irani Chowk, Chandideeh, Bilaspur, Police Station Sarkanda, Tahsil
& District (Revenue & Civil) Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Line, Bilaspur, District
(Revenue & Civil) Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Anand Kesharwani, Advocate.

For Non-applicant : Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

17.11.2017

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the copy of charge-sheet provided by the learned counsel for the State in connection with crime No. 651/2016 registered at Police Station – Civil Line, District - Bilaspur (C.G.) for the offence punishable under Section 377 of the IPC and 4 of the POCSO Act.
3. Case of the prosecution, in brief, is that the complainant is near about 7 years old, resides in Kududand, Bilaspur and studying in KG-2. On 28.09.2016 at 10:30 am the applicant taken him away and near a fence beside Kalika Tent House he inserted his private part in the mouth of the complainant.

4. The charge-sheet has already been filed and the matter is pending before the Additional Sessions Judge (F.T.C.), Bilaspur. The applicant is in custody since 28.09.2016.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Consequently, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE