

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1621 of 2018**

- Sanju Sharma S/o Rajendra Sharma Aged About 25 Years R/o Ward No. 2, Dabripara, Lormi, Police Station Lormi, District Mungeli, CG

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Lormi, District Mungeli, CG

---- Respondent

For applicant	Mr. Devesh Chandra Verma, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****7-12-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 18/2018 registered in police station Lormi, Distt. Mungeli (CG) for offence punishable under Section 363, 366, 376 of the IPC and Section 4, 6 of the POCSO Act.
3. Prosecution story in brief is that on 7-1-2018 prosecutrix was below 10 years of age. She is resident of Lormi. On 7-1-2018 at about 7.00 pm when she was going to purchase sugar to grocery shop, the applicant came from behind, pressed her mouth, showed knife and asked her to come with him silently otherwise he will kill her. He took her across the river by pulling. He kept her in a house and committed sexual intercourse with her. Thereafter he took her to Bilaspur, kept her in a house and committed sexual intercourse forcibly with her.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he may be released on bail. He further submits that FIR is delayed by 3 days. MLC report does not support the prosecution case. FSL report is not on record.

There was enmity between the family of the prosecutrix and the family of the applicant.

5. On the other hand, the State Counsel opposed the bail application. However he submitted that no criminal antecedent of the applicant is reported in the police case diary.
6. All the facts pointed out by the counsel for the applicant are subject matters of the scrutiny which may be done by the trial Court at the time of disposal of the case. At this stage, the applicant does not get any help from them for grant of bail.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, and age of the prosecutrix, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge