

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3738 of 2018**

Kaleshwar Sai S/o Alha Chouhan, Aged About 30 Years R/o-
Konpara, Chattidand, Police Station Tumla, District- Jashpur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Of
Police Station- Tumla, District- Jashpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Manoj Chouhan, Advocate
For the State	:	Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/09/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No. 23/2018 registered at Police Station Tumla, District Jashpur (C.G.) for the offence punishable under Sections 363, 354 of IPC and Section 9 (३), 10 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that prosecutrix was below 10 years of age. She is resident of village Chattidand. On 09/04/2018 applicant taken away her in forest by enticing, he had told the prosecutrix to remove her clothes otherwise he will burn her.
4. Counsel for the applicant draw my attention on para 7 of the certified copy of the statement of the prosecutrix recorded by the trial Court. He further submitted that the applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. The aforesaid para No. 7 of the statement of the prosecutrix is the subject matter of the evidence.
7. Looking to this fact that on 09/04/2018 prosecutrix was below 10 years old, looking to the other facts and circumstances of the case and looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde