

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5723 of 2018**

1. Shriram Harijan S/o Lalanram Harijan Aged About 31 Years R/o- Village- Kachhar, Post Office And Police Station- Sonhat, District- Koriya, Chhattisgarh.
2. Khacchuram Harijan S/o Rguniram Jatav Aged About 42 Years R/o- Village- Devrikhurd, Post Office And Police Station- Pohari, District- Shivpuri (M.P.).

---- Applicants

Versus

State Of Chhattisgarh Through- The Station House Officer,
Police Station- Ramanujnagar (Shrinagar), District- Surajpur,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shivendu Pandya, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**31/08/2018**

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 learned counsel for the State in connection with the Crime No. 10/2018 registered at Police Station Ramanuj Nagar (Shrinagar), District Surajpur (C.G.) for the offence punishable under Sections 363, 366, 366(A), 370, 370 (A) 373, 368, 344, 506, 509, 376 D of IPC and Section 4/12 of the Protection from Sexual Offences Act, 2012 and 81 of J.J. Act.
3. Case of the prosecution, in brief is that on October 2014, prosecutrix was below 16 years of age. On October 2014 when applicant No.1 Shriram Harijan was going to leave the prosecutrix to her house on his motorcycle, on the way near the Nala both the applicants committed forcibly sexual intercourse with her. Taken her nude snaps and given

threatening to public it, thereafter they taken away the prosecutrix in different places thereafter committed sexual intercourse with her, they sold her to Raghuvir for Rs. 2,000/-. Raghuvir got married prosecutrix with his son Kumer. Kumer had also committed sexual intercourse with her. On 05/01/2018 when nobody was present in the house then she reached to the house of her family members.

4. Counsel for the applicant argued that FIR is delayed by four years, applicants are innocent and falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. What would be effect of the delayed FIR, it would be considered by the trial Court while deciding the case on the basis of merit.
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, this Court is not inclined to grant bail to the applicants.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge