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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7180 of 2018**

- Shankar Gupta S/o Radheshyam Gupta Aged About 50 Years R/o Sakalo, Police Station - Gandhinagar, District - Surguja, CG-**Applicant**
- Versus**
- State Of Chhattisgarh Through Station House Officer, Police Station - Gandhinagar, District - Surguja, CG **---- Respondent**

For applicant Mr. Ajay Pandey, Adv.
 For Respondent/State Mr. Neeraj Sharma, PL.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

27-10-2018

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. 156/2018 in police station Gandhinagar, Distt. Surguja (CG) for offence punishable under Section 376(A)(B), 354, 323 of the IPC and Section (3) of the POCSO Act.
3. Perused the case diary.
4. Prosecution story in brief is that the prosecutrix is aged about 3 years. She is resident of village Bandhavapara. On 27-6-2018, she had gone to house of the applicant for playing with children. On pretext of giving sweets, he called her inside the house, bit her breast by teeth and inserted finger in her private part.
5. Counsel for the applicant argued that the applicant is 50 years old person, no offence under Section 376(A) or (B) is made out. He is innocent and falsely implicated hence he may be released on bail.
6. On the other hand, the State Counsel opposed the bail application. However no criminal incident is reported against in the case diary.
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 applicant.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

