

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8343 of 2018

- Sukhlal Nageshiya @ Thurva S/o Hajra Nageshiya Aged About 28 Years R/o Village Baskepi Badvarpara, P. S. Balrampur District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chando, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant : Shri A.K. Yadav, Advocate.

For Non-applicant : Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.12.2018**

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 case diary provided by the learned counsel for the State in connection with crime No. 5/2018 registered at Police Station – Chando, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376, 506 of the Indian Penal Code and Section 6 of the POCSO Act.
3. Case of the prosecution, in brief is that on 14.10.2017 prosecutrix was below 16 years of age. She is resident of village Goutampur Jodhpur. On 14.10.2017 and thereafter applicant committed repeated sexual intercourse with her.
4. Learned counsel for the applicant argued that applicant the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicant further submitted FIR is delayed by 3 months. He drew my attention on the certified copy of the prosecutrix recorded by the trial Court.
7. The prosecutrix has not been turned totally hostile. Her statement would be analyzed by the trial Court at the time of disposal of the case.
8. What would be the effect of the delayed FIR it would be considered by the trial Court at the disposal of the case. At this stage, for the purpose of bail applicant does not get any help from the alleged delayed FIR.
9. 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, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE