

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 289 of 2019

- Tribhuvan Sahu S/o Vishnu Sahu Aged About 26 Years R/o Village Bemta, Police Station Tilda, Nevra, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Berla, District Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Bharat Rajput, Advocate
For Non-applicant	: Ms. S. Mishra. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.02.2019

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. 321/2018 registered at Police Station – Berla, District Bemetara (C.G.) for the offence punishable under Section 366, 376, 506 of the Indian Penal Code and Section 4, 12 of POCSO Act and 3(1)(b) and 3(2)(v) of the SCST Act.
3. Case of the prosecution, in brief is that on 07.07.2018, prosecutrix was more than 16 years of age. She is resident of village Chentuwa. She is member of Scheduled Caste. On 07.07.2018 and onwards applicant committed repeatedly sexual intercourse with her, had given threats to kill her. Earlier, she was not knowing that applicant is already married.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been 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, however, he submits that there is no antecedent against the applicant.
6. Learned counsel for the applicant further submits that MLC of the prosecutrix does not support the prosecution case, FIR is delayed by 4 months.
7. Looking to these facts and circumstances of the case, looking to the fact that though the applicant was already married allegedly committed sexual intercourse with the prosecutrix, 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE