

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 339 of 2019**

Kalam Singh Dhruv, S/o Maniram Dhruv, aged about 35 years, Caste Gond, R/o Village Pali, Chowki Junapara, Police Station Takhatpur, District Bilaspur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Takhatpur, District Bilaspur (CG). **---- Non-applicant**

For Applicant	: Mr. C.R. Sahu, Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.04.2019

1. Informant Sewati Bai Yadav is present in person before this Court. On pulling some injuries, I am satisfied that the informant, who is present before this Court is the informant.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
3. Perused the case diary provided by the counsel for the State in connection with Crime No.452/2018 registered in Police Station Takhatpur, District Bilaspur for the offence punishable under Section 376 of IPC and Section 4 of POCSO Act.
4. Case of the prosecution, in brief, is that on 09.11.2018 the prosecutrix was aged about 04 years old. She is a resident of village Pali. On 09.11.2018 at about 2.00 p.m. at village Pali, the applicant took her towards runnel and inserted his finger on the private part of prosecutrix .
5. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the present case and as such the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
7. Informant submitted that she has objection for releasing the applicant on bail.
8. Looking to the facts and circumstances of the case and looking to the age of prosecutrix, looking to seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE