

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 447 of 2019**

- Vikram Sahu S/o Late Nand Kumar Sahu Aged About 22 Years R/o Village- Tarra, Post Office And Police Station- Panduka, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Panduka, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

For Applicant	: Ms. Mandvi Bhardwaj, Advocate.
For Non-applicant	: Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

02.05.2019

1. The alleged informant Shri Janak Ram Sahu is present in person.
2. After putting some questions, this Court is satisfied that the person who is present before this Court is the informant.
3. The Superintendent of Police, Gariyaband Shri M.R. Ahire is present in person. He submitted his apology in not sending the brief report earlier.
4. Considering the entire materials available on record, the Superintendent of Police is directed to comply order of this Court in future after paying due attention.
5. 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.
6. Perused the case diary provided by the learned counsel for the State in connection with crime No. 193/2018 registered at Police Station – Panduka, District – Gariyaband (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code and 6 of the POCSO Act.
7. Case of the prosecution, in brief is that 1½ years prior to 03.09.2018 the prosecutrix was below 14 years of age. She is resident of village Tarra. 1½ years prior onwards applicant committed repeatedly forcible sexual intercourse with her.
8. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
9. On the other hand, learned counsel for the State opposes the bail application and submitted that there is no antecedent against the applicant.
10. The informant submitted that applicant may not be released on bail.
11. Looking to the facts and circumstances of the case, looking to the fact that at the time of alleged first incident prosecutrix was below 14 years of age, 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.
12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE