

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 485 of 2019**

Hirachand Panika S/o Prem Sai Panika Aged About 25 Years R/o Village Dawansara, P. S. Jhilmili, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P. S. Anusuchit Jati Janjati Kalyan (Ajak) Surajpur District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shishir Dixit, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**28/03/2019**

1. Informant Smt. Chameli Bai is not present though notice has been served upon her.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.79/2018 registered at Police Station AJAK, Surajpur, District Surajpur (C.G.) for the offence punishable under Section 363, 366, 376(2) of IPC and Section 3(2)(5) of SCST (Atrocities) Act and Section 4 of POCSO Act.
4. Case of the prosecution, in brief is that on 18/05/2018 prosecutrix was below 15 years of age. She is resident of village Itabhattachapara Bhatgaon. On 18/05/2018 applicant took her by enticing, he committed repeatedly sexual intercourse with her. She is member of Scheduled Caste.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected. However, trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-
(Sharad Kumar Gupta)
 Judge