

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 644 of 2019**

- Nanduram Dewangan @ Chotu S/o Jhankaluram Dewangan Aged About 23 Years R/o Village Kanketara ,post Bori ,police Station Lalbag District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Out Post Padmanabhpur Police Station Durg ,tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Prasoon Agrawal, Advocate.
For Non-applicant	: Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.02.2019

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. 777/2018 registered at Out Post Padmanabhpur Police Station – Durg, Tehsil And District Durg (C.G.) for the offence punishable under Sections 376, 506B, 385 of the Indian Penal Code and Section 5(᳚) and 6 of the POCSO Act.
3. Case of the prosecution, in brief is that on 21.05.2017 prosecutrix was more than 16 years of age. She and applicant were knowing each other. On 21.08.2017 in the night she opened the door of the house after knocking of applicant. He had given some liquid to drink. She became unconscious. Taking advantage of her unconsciousness he committed sexual intercourse with her. He had also made the video which was not in her notice. Thereafter, he had repeatedly committed sexual intercourse with her on the threats that he will viral the video.
4. Learned counsel for the applicant argued that 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, however, submitted that there is no antecedent against the applicant.
6. Counsel for the applicant further submitted that FIR is delayed by one year and four months.
7. 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE