

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 925 of 2019**

- Santosh Gadpayle S/o Amar Das Gadpayle Aged About 41 Years R/o Motipur, Ambedkar Chauk, Rajnandgaon, Police Station Kotwali, District- Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station, Lalbagh District- Rajnandgaon, Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri B. D. Guru, Advocate on behalf of Shri Shaleen Singh Baghel, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25/04/2019**

1. Allegedly Informant- Gomti Sahu present in person before this court after putting some questions this Court has satisfied that woman who is present in the Court, is informant Gomti Sahu.
2. This is the 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.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.356/2018 registered at Police Station- Lalbagh, District- Rajnandgaon (C.G.) for the offence punishable under Section 376 of Indian Penal Code & Section 4 of POCSO Act.
4. Case of the prosecution, in brief is that on 18.09.2018 prosecutrix was about below 8 years of age. She is resident of village Sukuldaihanm. Applicant is the teacher of a Government school. On 18.09.2018 between 10:00 hours to 16:00 hours, applicant who is the teacher, committed rape with prosecutrix.
5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.
7. Counsel for the informant submits that she has no objection in releasing the applicant on bail.
8. Looking to the above mentioned facts and circumstances of the case, looking to this fact that at the time of alleged incident prosecutrix was below 8 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.
9. Certified copy as per rules.

Sd/-**(Sharad Kumar Gupta)**
Judge