

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 707 of 2019**

Ashok Sarthi S/o Samaru Sarthi Aged About 50 Years R/o Kasturba Nagar Bilaspur, P.S. Civil Line Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Civil Line Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

|                   |   |                                   |
|-------------------|---|-----------------------------------|
| For the Applicant | : | Shri Nalin Soni, Advocate         |
| For the State     | : | Shri SRJ Jaiswal, Panel Lawyer    |
| For the Objector  | : | Shri Ajay Kumar Chandra, Advocate |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****09/04/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.985/2018 registered at Police Station Civil Line, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 354 of IPC and Section 8 of POCSO Act.
3. Case of the prosecution, in brief is that prosecutrix is about four years old. She is resident of Kasturba Nagar, Bilaspur. On 14/11/2018 at about 14.15 hours, in a dilapidated house applicant had removed her clothes including her underwear.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the objector is also opposes the bail application.
7. Counsel for the applicant drew my attention on the certified copy of the statement of the prosecutrix on cross-examination recorded by the trial Court, which is part of the bail application.

8. Prosecutrix had told against the applicant in examination-in-chief. What would be the effect of the statement of prosecutrix given during cross-examination would be considered by the trial Court during appreciation of the evidence, at this stage this Court cannot scrutinize the evidence.
9. Looking to the above mentioned facts and circumstances of the case, looking to the evidence available on the record, looking to the age of the prosecutrix, 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.

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

Kamde