

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 945 of 2019

- Narendra Jatwar S/o Babulal Jatwar Aged About 24 Years R/o Sakin Jhumka, Thana Sarsiwa, District Balodabazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer-In Charge, Police Station Sarsiwa, Balodabazar District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant	: Ms. Supriya Upasne, Advocate.
For Non-applicant	: Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

20.02.2019

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. 117/2017 registered at Police Station – Police Station Sarsiwa, Balodabazar District Baloda Bazar Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and 4 of the POCSO Act.
3. Case of the prosecution, in brief is that on 2/05/2017 prosecutrix was more than 16 years of age. She is resident of village Jhumka. On 02.05.2017 at about 11 pm applicant took her in his house by pulling, when she shouted he pressed her mouth. He committed forcible sexual intercourse with her.
4. Learned counsel for the applicant argued that the 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 submits that there is no antecedent against the applicant.
6. Counsel for the applicant drew my attention on the true copy of the affidavit of Girdhari Ratre who is father of the prosecutrix wherein it has been stated that her daughter had gone to the house of the applicant on her wish, the report lodged by him is false.
7. Looking to the facts and circumstances of the case, the applicant does not get any help from the affidavit of Girdhari Ratre at this Stage.
8. Accordingly, looking to the facts and circumstances of the case, looking to the material available on record, 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