

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1287 of 2019**

- Prem Soni S/o Late Kanhai Soni Aged About 29 Years R/o Village Jiganiya, Police Station Kusmi, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Kusmi District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Nishi Kant Sinha, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.03.2019

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. 106/2018 registered at Police Station – Kusmi District Balrampur Ramanujganj (C.G.) for the offence punishable under Section 376 of the Indian Penal Code, 3(2)(v) of STSC (Prevention of Atrocities) Act and Section 4 of the POCSO Act.
3. Case of the prosecution, in brief is that on 02.10.2018 prosecutrix was more than 16 years of age. She is resident of village Harri. On 02.10.2018 she was returning back from the market to her house in the auto of applicant. Applicant took her to Larangi forest behind the mission school and 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, submitted that there is no antecedent against the applicant.
6. Counsel for the applicant further submitted that as per the statement of the prosecutrix after the alleged rape the applicant was taking her to her house, it is highly improbable circumstances, thus he may be released on bail.
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