

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1212 of 2019**

Ratiram Marapi S/o Pakuram Marapi Aged About 25 Years R/o Village Kidaripara Kongud P. S. Dhanora Tahsil Keshkal District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Dhanora District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P.K. Tulsyan, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

09/04/2019

1. Notice to informant is served but neither informant present nor on behalf of her anybody is present.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.12/2018 registered at Police Station Dhanora, District Kondagaon (C.G.) for the offence punishable under Sections 376, 323 and 506 (B) of IPC and under Section 6 of POCSO Act.
4. Case of the prosecution, in brief is that in the month of March 2015 prosecutrix was below 14 years of age. She is resident of village Kongud. In the year 2014-15 during the dance programme applicant took her to the field, threatened kill to her and committed forcible sexual intercourse with her. On 23/05/2018 he again took her prosecutrix and committed forcible sexual intercourse with her in Barda forest.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.

7. Counsel for the applicant further submitted that prosecution story is highly improbable. Medical evidence does not support the prosecution case, FIR is delayed by three years, thus he may be released on bail.
8. The aforesaid circumstances raised by the counsel for the applicant are the subject matter of the scrutiny which this Court cannot do at this stage.
9. Looking to the above mentioned facts and circumstances of the case, looking to this fact that prosecutrix was below 14 years of age, 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