

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1282 of 2019**

Akil Das, S/o late Gyan Das, aged about 40 years, Caste Panika, R/o Rampur,
P.S. & Tahsil Ambikapur, District Surguja (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Chowki Manipur,
Ambikapur, District Surguja (CG). **---- Non-applicant**

For Applicant	: Mr. Sushil Dubey, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

21.06.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.48/2019 registered in Police Station Chowki Manipur, Ambikapur, District Surguja for the offence punishable under Sections 452, 323, 406, 354, 354D, 509B of Indian Penal Code, Section 9 of Protection of Children from Sexual Offence Act and Section 67A Information of Technology Act.
3. Case of the prosecution, in brief, is that on 14.12.2018 the prosecutrix was aged about 11 years old. She is a resident of village Rampur. On 14.12.2018, the applicant entered in the house of prosecutrix, removed her undergarments and touched her body. He has prepared her video. He had also beaten her.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that there is delay in lodging FIR and the applicant is in jail for 06 months and as such he may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to this fact that at the time of incident the prosecutrix was aged about 11 years old, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE