

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1376 of 2019

- Ishwar Vishvakarma S/o Indal Vishvakarma Aged About 27 Years R/o Village Barodakala Thana Lohara, District Kabeerdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dongargarh, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Shri Anil Gulati, Advocate.

For Non-applicant : Shri Ashtosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

12.04.2019

1. The informant- Rohit Kanwar is present in person.
2. After putting some questions, I am satisfied that the person who is present before this Court is the informant.
3. 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.
4. Perused the case diary provided by the learned counsel for the State in connection with crime No. 452/2017 registered at Police Station – Dongargarh, Dist. - Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376(2) of the IPC, 4 of the POCSO Act, 3(2)(v-A), 3(2)(८) of the SCST (Prevention of Atrocities) Act.
5. Case of the prosecution, in brief is that on 16.11.2017 prosecutrix was below 15 years of age. She is resident of village Kanhar. She is a member of Scheduled Tribe. On 16.11.2017 she had gone alongwith applicant at Nagpur, thereafter they came to Raipur. He committed forcible sexual intercourse with her.
6. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
8. Informant Rohit Kanwar submit that applicant may be released on bail.
9. Looking to the facts and circumstances of the case, looking to the fact that at the time of alleged incident prosecutrix was below 15 years of age, 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE