

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1445 of 2019**

- Prakash Mallik S/o Late Shri Pandit Mallik Aged About 52 Years R/o Bhopal Patnam, Police Station Bhopal Patnam, District - Bijapur Chhattisgarh., District : Bijapur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bhopal Patnam, District - Bijapur Chhattisgarh., District : Bijapur, Chhattisgarh

---- Non-applicant

For Applicant	: Ms. Pragya Pandey, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.05.2019

1. The informant Srinivas Reddy is absent though notice served upon him.
2. 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.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 8/2018 registered at Police Station –Bhopal Patnam District – Bijapur (C.G.) for the offence punishable under Section 376 and 506 of the Indian Penal Code and Section 4 and 8 of the POSCO Act.
4. Case of the prosecution, in brief is that on 22.03.2018 prosecutrix was below 15 years of age. She is resident of Bhopal Patnam. On 22.03.2018 father of the prosecutrix had taken her in the medical store of applicant for treatment. Applicant committed forcible sexual intercourse with her giving threatening to kill her. Applicant had also made video regarding the incident.
5. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, he further submitted that FIR is delayed, medical reports do not support the prosecution case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, and submits that one similar type of case is registered against the applicant.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that on 22.03.2018 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE