

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1635 of 2019**

- Mubarak Husain S/o Shri Sarfuddin Ansari Aged About 33 Years R/o Village Dudhwal P.S.- Ranka, District- Garhwa, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through P.S.- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh

---- Non Applicant

For the Applicants : Ms. Soniya Kuldeep, Advocate

For the State : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26/03/2019**

1. This is the 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.228/2018 registered at Police Station- Balrampur, District- Balrampur- Ramanujganj (C.G.) for the offence punishable under Sections 376, 354, 354(B) of IPC and Section 4/8 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 26/12/2018 prosecutrix was aged about 16 years. She is resident of Balrampur. On 26/12/2018 at about 7:30 pm to 8:30 pm near the Sindoor river Balrampur, in the garb of exorcism, the applicant pressed her breast and inserted his finger in her private part.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case and she further submits that there are some contradictions in the statement of prosecution witnesses recorded under Section 161 CrPC hence, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to the material available on record, 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.
7. Certified copy as per rules.

Sd/-**(Sharad Kumar Gupta)**

Judge

Parul