

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1686 of 2019**

Ganesh S/o Lalluram Nayak Aged About 20 Years R/o Tikrapara,
Polmi, police Station Kukdur, District Kabirdham Chhattisgarh.,
District : Kawardha (Kabirdham), Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Kukdur, District Kabirdham Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri SRJ Jaiswal, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**16/04/2019**

1. Notice has been served upon informant-prosecutrix herself, neither she nor any other person on behalf of her 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.114/2018 registered at Police Station Kukdur, District Kabirdham (C.G.) for the offence punishable under Sections 363, 376 of IPC, Section 4 of POCSO Act and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.
4. Case of the prosecution, in brief is that on 09/12/2018 prosecutrix was below 15 years of age. She is resident of village Polma. She is member of Scheduled Tribe. On 09/12/2018 applicant took her forcibly got sat on his motorcycle and committed forcible sexual intercourse at forest of village Polmi, gave threatened to kill her.
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 medical evidence does not support the prosecution case. There was the land dispute.

8. Looking to the above mentioned facts and circumstances of the case, looking to this fact that at the time of alleged incident prosecutrix was below 15 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