

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1882 of 2019

- Bablu Rajwade S/o Lawang Sai Rajwade Aged About 21 Years R/o Kapsara, P. S. Bhatgaon, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Station House Officer, S. C. And S. T. Welfare Police Station Surajpur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Non-applicant

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For Applicant : Shri Surraj Khan, Advocate.  
For Non-applicant : Smt. M. Asha, Panel Lawyer

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**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**

**03.04.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 06.02.2019 in MCRC No. 722 of 2019 considering the merits of the case.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 166/2018 registered at Police Station – S. C. And S. T. Welfare Police Station Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 363, 366 376(D) of the Indian Penal Code and Section 4 of the POCSO Act and Section 3(2)(5) of the SC&ST (Prevention of Atrocities) Act.
4. Case of the prosecution, in brief is that on 20.09.2018 prosecutrix was more than 17 years of age, she is resident of village Gonda, applicant and coaccused took her by pressing her mouth at nursery and committed forcible sexual intercourse with her one by one.
5. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, he is in jail since long back, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicant.
7. Looking to the facts and circumstances of the case, 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**