

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2037 of 2019**

Kamal Narayan S/o Derbari Singh Jagat Aged About 48 Years R/o Bahtara, Police Station Pachpedi, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pachpedi, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Lavkush Kumar Sahu, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**02/05/2019**

1. Allegedly informant Smt. Leelavati present. After putting some questions this Court is satisfied that woman who is present in the Court is the informant-mother of the prosecutrix.
2. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was dismissed for want of prosecution on 19/03/2019 in MCRC No. 889/2019.
3. The applicant has been arrested in connection with Crime No.20/2017 registered in Police Station Pachpedi, District Bilaspur (C.G.) for the offence punishable under Section 376 of IPC and Section 4 of the POCSO Act.
4. Case of the prosecution, in brief is that on 07/05/2017 prosecutrix was below 15 years of age. She is resident of village Bahtara. She is handicapped. On 06/05/2017 at about 9:00 a.m. applicant entered in the house of prosecutrix and committed forcible sexual intercourse with 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. Counsel for the State submits that there is no antecedents of the applicant is reported in police case diary.
7. Informant Smt. Leelavati submitted that applicant may not be released on bail.
8. Counsel for the applicant further submitted that there was the dispute regarding land and money transaction, FIR is delayed, applicant is in jail since back two years, there are some omissions and contradictions in

statements of prosecution witnesses .

9. 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 fifteen years of age and she is handicapped, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde