

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2448 of 2019**

Devchand Salam S/o Balikram Salam Aged About 24 Years By Caste Gond, R/o Village Khairkheda, Tahsil Charama District Uttar Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station Charama, District Uttar Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Parag Kotecha, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15/05/2019**

1. Informant Smt. Rajobai Vishwarma though notice has been served upon her.
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.156/2018 registered at Police Station Charama, District Uttar Bastar Kanker (C.G.) for the offence punishable under Section 376 (2)(a)(b), 506 [Part II] of IPC and Section 4 & 6 of POCSO Act.
4. Case of the prosecution, in brief is that on 03/01/2018 prosecutrix was below 16 years of age. She is resident of village Khairkheda. On 03/01/2018 onwards he committed sexual intercourse with her after giving threatening 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. He further submitted that FIR delayed by four months.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that on 03/01/2018 prosecutrix was below 16 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