

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2135 of 2019**

- Akash @ Anshu Rathore S/o Anup Rathore Aged About 19 Years R/o Munud Nawapara, Ward No. 2, Police Station Janjgir, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Janjgir District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant	: Shri C.P. Lahrey, Advocate.
For Non-applicant	: Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.05.2019

1. The alleged informant Smt. Kalindi Devi is present.
2. After putting some questions, this Court is satisfied that the lady who is present before this Court is the informant.
3. This is 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.
4. Perused the case diary provided by the learned counsel for the State in connection with crime No. 746/2018 registered at Police Station – Janjgir District – Janjgir Champa (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code and Section 6 of the POSCO Act.
5. Case of the prosecution, in brief is that prosecutrix are the resident of village Munud. On 02.12.2017 first prosecutrix was below 5 years of age and second prosecutrix was below 7 years of age. During 02.12.2017 to 02.12.2018 applicant had committed sexual intercourse with them.
6. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, he further submitted that FIR is delayed, medical reports do not support the prosecution case, therefore, he shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
8. The informant Smt. Kalindi Devi submitted that applicant may not be released on bail.
9. Looking to the above mentioned facts and circumstances of the case, looking to this fact that on 02.12.2017 first prosecutrix was below 5 years of age and second prosecutrix was below 7 years of age, 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.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE