

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2680 of 2019**

- Naveen Kumar Thakur S/o Late Shri Ashwani Kumar Thakur Aged About 24 Years R/o Village Parastarai, Sada, Devta Mandir, Police Station Arjunda District Balod Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Sho, Police Station Jamul, District Durg Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Vipin Tiwari, Advocate
For the State	:	Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****16.05.2019**

1. Allegedly Informant- Smt. Jyoti Singh, is mother of the prosecutrix present in person before this court. After putting some questions, this Court has satisfied that person, who is present in the Court as informant
2. This is the 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.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.17/2018 registered at Police Station- Jamul, District- Durg (C.G.) for the offence punishable under Sections 354, 376, 509 of Indian Penal Code and 5(m), 6 of Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 12.01.2018 prosecutrix was below 9 years of age. She is resident of Bhilai. On 12.01.2018 at about 4:30 Pm, at housing board Jamul, applicant entered his penis in the mouth of the prosecutrix.
5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, 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 criminal antecedent against the applicant.
7. Counsel for the informant submits that he has no objection in releasing the applicant on bail.
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 9 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge