

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4413 of 2019**

Sunder Lal S/o Chamru Agriya Aged About 35 Years Caste Agriya, R/o Lodhi Chowk, Wadraf Nagar, District- Balrampur, Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh .

---- **Applicant**

Versus

State Of Chhattisgarh Through Police Station Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri Dashrath Kushwaha, Advocate
For the State	:	Shri Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**02/09/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.44/2019 registered at Police Out Post Wadraf Nagar, P.S. Basantpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376, 109 of IPC and Section 4 & 17 of POCSO Act.
3. Case of the prosecution, in brief is that at the time of alleged incident prosecutrix was below 13 years of age. She is resident of village Agariyapara. On 13/03/2019 at about 7 p.m. at village Lodhi, prosecutrix had gone to dustbin through the garbage. Applicant reached there, took her forcefully towards the med of the field and handed over to co-accused Firoz thereafter co-accused Firoz committed rape with her, applicant was watching there.
4. Counsel for the applicant submitted that he is innocent and falsely implicated in the present case. He further submitted that there is no role of applicant, no rape case was made against him, thus he may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant is reported in the police case diary.
6. Looking to the above mentioned facts and circumstances of the case, *prima facie* materials available on record against the applicant, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to release the applicant on bail. Consequently, bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde