

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6560 of 2019**

- Nilesh Pandey @ Lala S/o Prabha Shankar Pandey Aged About 22 Years, R/o Village Chhal, Aspataal Para, Police Station Chhal, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station- Chhal, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Siddharth Dubey, Adv.
For Respondent/State	:	Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/12/2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 24/2019 registered at Police Station Chhal, District-Raigarh (C.G.) for the offence punishable under Sections 377 of the IPC and 4, 6 of the POCSO Act.
2. The prosecution story, in brief is that, on 29.01.2019 at about 18:00 O'clock the applicant committed anal sex with the minor child, resulted which bleeding through anal of the child. Present applicant has been taken into custody on 30.01.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prima facie case is not made out against the present applicant. The applicant is in

jail since 30.01.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime to commit anal sex with the minor child so, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**