

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9470 of 2018**

Chandraprakash Kuldeep @ Chandu Kuldep S/o Late Dhaniram Kuldeep
 Aged About 28 Years R/o Village Korplot ,police Station Farasgaon
 District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Farasgaon District
 Kondagaon Chhattisgaon Chhattisgarh ., District : Kondagaon,
 Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P.K. Tulsyan, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25/03/2019**

1. After putting some questions this Court satisfied that the girl who is present in the Court is the informant.
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.46/2018 registered at Police Station Farasgaon, District Kondagaon (C.G.) for the offence punishable under Sections 363, 376, 506 of IPC and Section 6 of the POCSO Act.
4. Case of the prosecution, in brief is that prosecutrix was below 16 years of age in the year 2016. She is resident of village Farasgaon. Applicant is a Teacher. She was used to go to applicant for tuition. In 2016 he had started to molested her, committed repeatedly sexual intercourse with her at Kerala Model School by giving threats to kill her.
5. Learned counsel for the applicant submitted that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.

7. Informant submitted that bail would not be granted.
8. Counsel for the applicant further submitted that charge-sheet has been filed. Applicant is in jail since 8th July 2018, as per the MLC report of prosecutrix hymen was present and normal, doctor opined that there was no sign of use of force, thus prosecution story is highly improbable thus applicant may be released on bail.
9. What would be effect of MLC report it would be seen at the time of appreciation of the evidence. At this stage this Court cannot scrutinize the evidence.
10. Looking to the facts and circumstances of the case, 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

Kamde