

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9473 of 2018**

Md. Haider Khan S/o Rafeeq Khan Aged About 19 Years R/o Sukhbasupara Kunkuri, Police Station And Tahsil - Kunkuri, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Gandhinagar, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Aditya Bhardwaj, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**10/01/2019**

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.148/2018 registered at Police Station Gandhinagar, District Surguja (C.G.) for the offence punishable under Sections 363, 366 (क), 368, 376(2) (ख)(द) of IPC 4,5 (द)/6, 17 of POCSO Act and 3(2)(V-क) of SC & ST Act.
3. Case of the prosecution, in brief is that on 20/06/2018 prosecutrix was below 16 years of age. She had love affair with the applicant. On 20/06/2018 applicant and co-accused Safdar Khan took her by motorcycle. Applicant kept her in Kunkuri and committed sexual intercourse with her.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall 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.
6. Counsel for the applicant drew my attention in para No. 9 & 10 of the photocopy of the statement of prosecutrix recorded by the trial Court, which is a part of the bail petition, wherein she had stated in favour of the applicant. In para No. 3 & 5 of her statement she had stated against the applicant.
7. What would be the effect of the entire statement of the prosecutrix is the subject matter of the scrutiny of the evidence it could done by the trial Court at the time of disposal of the case. At this stage applicant does not get any help for the purpose of releasing the bail.
8. Looking to the facts and circumstances of the case, this Court is not inclined to get the benefit under Section 439 of CrPC to the applicant,

accordingly bail application is dismissed. However, the trial Court is directed to expedite the trial as soon as possible.

9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde