

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9687 of 2018**

Ajay Singh Rajput, S/o Shyam, Singh, aged about 24 years, R/o Village Ghoramar, P.S. Kota, District Bilaspur (CG).
---- Applicant

Versus

State of Chhattisgarh, through Police Station Sarkanda, District Bilaspur (CG).
---- Non-applicant

For Applicant	: Ms. Aditi Singhvi, Advocate
For Non-applicant	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.386/2018 registered in Police Station Sarkanda, District Bilaspur for the offence punishable under Sections 376 of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief, is that the age of the prosecutrix was below than 11 years old at the time of alleged incident. She is a resident of village Vivekanand Nagar, Bilaspur. On 19.09.2015 at night, the applicant, who was a driver of family of prosecutrix, he took her on the roof of her house and he pressed her mouth and he committed forcible sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. She further submitted that there is a delay of three years in lodging the FIR, which is sufficient to release the applicant on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant however he submits that no criminal antecedent reported against the applicant in police case diary.
6. What would be effect of delay in lodging the FIR may be considered by the trial Court at the time of final disposal of the case.
7. Looking to the above mentioned facts and circumstances of the case, looking to the age of prosecutrix at the time of alleged incident and looking to the seriousness of the offence; and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-