

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9814 of 2018**

- David Sahu @ Pintu S/o Gadpata Ram Aged About 20 Years R/o Village Banrsi, Police Station Arang, District Raipur Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Arang, (Revenue And Civil), District Raipur Chhattisgarh

---- Respondent

For applicant	Mrs. Sangeeta Kashyap Dote, Adv.
For Respondent/State	Ms. Sangeeta Mishra, GA.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18-1-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 357/2018 registered in police station Arang, Distt. Raipur (CG) for offence punishable under Sections 376, 450, 34 of the IPC and Section 3(2)(V) of the SCST Act and Section 4 of POCSO Act.
3. Perused the case diary.
4. Prosecution story in brief is that prosecutrix is 13 years old and is a resident of Banrsi. On 10-8-2018 at about 6 pm she was alone in her house. Applicant and co-accused Yadram Sahu entered into her house. Co-accused Yadram Sahu committed forcible sexual intercourse with her. At that time the applicant had caught hold her hand and pressed her mouth.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated. He further submits that charge sheet has been filed. He is in jail for last six months. As per medical report, no external injury is found on body of the prosecutrix. Hence he may be released on bail.
6. On the other hand, the State Counsel opposed the bail application. However she submits that in the case diary no criminal antecedent of the applicant is reported.

7. What would be the effect of not finding external injury on the body of the prosecutrix would be considered by the trial Court at the time of disposal of the trial. At this stage, the applicant does not get any help from the said fact for the purpose of grant of bail.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, and age of the prosecutrix, this Court is not inclined to grant bail to the applicant.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge