

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1204 of 2020**

Durgesh Prajapati S/o Tamesh Prajapati Aged About 22 Years R/o Village Sendri, Police Station Koni, Tahsil And District (Revenue And Civil) Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Koni, District (Revenue And Civil) Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Anand Kesharwani, Advocate
For the State	:	Ms. Deepti Shukla, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/03/2020**

1. Allegedly informant Pradeep Kumar Patel present. After putting some questions this Court is satisfied that man who is present in the Court is the informant-father of the prosecutrix.
2. This is the fourth bail application under Section 439 of the CrPC. Earlier his first bail application was dismissed as withdrawn vide order dated 19/06/2019 passed in MCRC No. 3450/2019. His second bail application was rejected by the Registry on account of non-compliance of peremptory order of this Court dated 06/08/2019. His third bail application was dismissed for want of prosecution vide order dated 05/12/2019 passed in MCRC No.7155/2019.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No.53/2019 registered at Police Station Koni, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of POCSO Act.
4. Case of the prosecution, in brief is that on 19/02/2019 prosecutrix was below 16 years of age. She is resident of village Kachhar. On 19/02/2019 applicant took her on pretext of the marriage and repeatedly committed sexual intercourse with her.

5. Counsel for the applicant submitted that applicant is in jail since 26/02/2019 thus looking to the detention period he may be released on bail.
6. On the other hand, counsel for the State opposes the bail application. She further submits that no criminal antecedents has been reported against the applicant in the police case diary.
7. Informant submitted that applicant may not be released on bail.
8. This is true that detention period of the accused and delay in trial are material factors for disposal of the bail application filed by the accused. But equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more material and important factors for disposal of the bail application filed by the accused.
9. Considering the total facts of the case this Court finds that it is not a fit case where the applicant may be released on bail in fourth round of litigation. Consequently his fourth bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-

(Sharad Kumar Gupta)
Judge