

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6488 of 2020**

- Akil Das S/o Late Gyan Das Aged About 40 Years Caste Panika, Resident Of Rampur , Police Station And Tahsil Ambikapur , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Incharge , Chowki Manipur , Ambikapur , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Shri Ajay Kumar Pandey, Advocate.

For Non-applicant : Shri D.C. Verma, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.12.2020**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court on 21.06.2019 in MCRC No. 1282 of 2019 considering the prima facie case against the applicant.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 48/2019 registered at Police Station – Chowki Manipur, Ambikapur, District - Surguja (C.G.) for the offence punishable under Sections 341, 452, 506, 323, 354, 354-A(1), 354-B of the Indian Penal Code and Sections 7/8, 11/12, 13/14 of Protection of Children from Sexual Offences Act, 2012 and Section 67 of Information Technology Act.
4. Case of the prosecution, in brief is that on 14.12.2018 the prosecutrix was aged about 11 years old. She is a resident of village Rampur. On 14.12.2018, the applicant entered in the house of prosecutrix, removed her

undergarments and touched her body. He has prepared her video. He had also beaten her.

5. Counsel for the applicant argued that applicant is in jail since 15.12.2019, he further submitted that prosecutrix and her father have been examined who did not support the prosecution case, hence, he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.

7. This is true that the detention period of the accused and delay in trial are considerable 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 important and material factors for the disposal of the bail application filed by the accused.

8. This is well settled legal position that while dealing with the bail application this Court can neither scrutinize the evidence nor appreciate the same. It is only the trial Court who can do so at the time of appreciation of the evidence.

9. Moreover, in the case in hand the applicant has not filed the copy of the statements of the prosecutrix and her father.

10. Looking to the above mentioned facts and circumstances of the case, looking to the fact that at the time of alleged incident prosecutrix was aged about 11 years, this Court finds that this is not a fit case where the applicant may be released on bail in second round of litigation. Consequently, the present bail application is rejected. However, the trial Court is directed to expedite the trial and dispose off the case as soon as possible.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE