

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7418 of 2019**

- Gautam Kumar Bhattacharya, S/o Late Shanti Prasad Bhattacharya, Aged About 42 Years, R/o Ward No. 35, Sahu Apartment, Lakholi, P.S.- Kotwali, District- Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: S.H.O.- P.S.- Kotwali, Rajnandgaon, District- Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Hemant Gupta, Adv.
For Respondent/State	:	Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.02.2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 611/2019 registered at Police Station- Kotwali, Rajnandgaon, District- Rajnandgaon (C.G.) for the offence punishable under Section 377 of IPC & Section 6 of POCSO Act.
2. The prosecution story, in brief is that, it is alleged that the applicant had been committed unnatural sexual act with the juvenile for the last three years. The present applicant had also taken some obscene photographs of juvenile. Thereafter, offence has been registered against the present applicant. Present applicant has been taken into custody on

22.10.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. The applicant is in jail since 12.10.2019 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime so, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**