

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8122 of 2019**

- Shravn Kumar Vaishya, S/o Ishwar Dayal Vaishya, Aged About 21 Years, R/o Village Pasa, Police Station- Chandni, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Station- Chandni, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Anil Gulati, Adv.
For Respondent/State	:	Mr. Vinod Kumar Tekam, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.01.2020**

1. Pursuant to the order dated 11.12.2019 of this Court, informant/ complainant namely Shri Ramlakhan Pando has appeared before this Court on 22.01.2020. On being asked he has made his objection regarding grant of bail to the applicant.
2. 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. 14/2019 registered at Police Station- Chandni, District- Surajpur, (C.G.) for the offence punishable under Sections 363 r/w 34, 366 (क) r/w 34, 376 (घ), 376 (3), 366 r/w 34, 376 (घ) of IPC and Sections 4 and 6 of POCSO Act.
3. The prosecution story, in brief is that, it is alleged against the applicant is that the applicant took the victim and her

aunt in his motorcycle for the purpose of work of labour and the victim and her aunt refused to perform the work of labour thereafter applicant took them on motorcycle to village Thadhpathar and thereafter they again went to Baithan along with applicant and the applicant called the other co-accused then the applicant committed forcible sexual intercourse with the victim. Based on this, offence has been registered. Present applicant has been taken into custody on 19.03.2019.

4. 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 19.03.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime to commit sexual intercourse with the minor girl so, it is not a fit case to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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