

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 978 of 2021**

- Firoz Joshi Son Of Nand Kumar Joshi Aged About 22 Years R/o. Village Birebhata, Police Station Nandani, District Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jamul, District Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Ms. Swati Verma, Advocate.

For Non-applicant : Shri R. Verma, Government Advocate.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.03.2021**

1. The informant Smt. Someshwari Sahu is absent though notice served upon her.
2. This is third 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.
3. Earlier, the first bail application of the applicant was dismissed by this Court as withdrawn vide order dated 30.11.2018 passed in MCRC No. 8738/2018 and his second bail was rejected by the Registry vide order dated 18.11.2020 passed in MCRC No. 7403/2020 due to non compliance of order of this Court dated 20.10.2020.
4. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 19/2018 registered at Police Station – Jamul, District – Durg (C.G.) for the offence punishable under Section 376(2)(i)(j) of the IPC and Section 5(३), 6, 7 and 8, of the POCSO Act.

5. Case of the prosecution, in brief is that the prosecutrix is about 5 year old. She is resident of village Shivpuri, Jamul. On 13.01.2018 at around 7 pm applicant took her towards field. He removed her underwear and kissed her private parts. He touched his private parts with her private parts.
6. Learned counsel for the applicant argued that the applicant is in jail since 14.01.2018, the mother of the prosecutrix has no objection in giving bail to the applicant, hence, he may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. 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.
9. Looking to the facts and circumstances of the case, looking to the age of the prosecutrix, looking to the seriousness of the offence, looking to the impact of granting bail to accused on society, this Court is not inclined to enlarge the applicant on bail in third round of litigation, consequently, the present bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
JUDGE