

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 608 of 2018**

Babalu Bareth, Aged about 26 years, S/o Late Santosh Bareth, R/o Kurda,
P.S. Champa, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through the District Magistrate, District Janjgir-
Champa through Station House Officer, Police Station Champa, District
Janjgir - Champa (C.G.)

---- Non-applicant

For Applicant	:	Mr. Dashrath Kushwaha, Advocate.
For Non-applicant/State	:	Mr. Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****22/03/18**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.191/2017 registered at Police Station Champa, District Janjgir - Champa (C.G.) for the offence punishable under Sections 376 & 323 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution in brief is that on 23-07-2017, the applicant has committed sexual intercourse with the minor prosecutrix, aged about 13 years and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence, he has been falsely implicated in crime in

question. The applicant is in custody since 10-08-2017, charge-sheet has already been filed and no useful purpose will be served by detaining him in jail, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence and particularly the age of the prosecutrix was 13 years on the date of offence, I do not consider it a fit case for grant of regular bail to the applicant. Accordingly, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge