

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4410 of 2018**

Garud Singh Markam, S/o Devi Singh Markam, aged about 28 years, R/o  
 Village Darlipara, Post Office and Police Station Devbhog, District  
 Gariyaband

**----Applicant****Versus**

The State of Chhattisgarh, through Station House Officer, Police Station  
 Devbhog, District Gariyaband (C.G.)

**---- Non-applicant**


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| For Applicants       | : | Mr. Shivendu Pandey, Advocate. |
| For Respondent/State | : | Mr. D. R. Minj, Dy. G.A.       |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****02/07/18**

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 applicants who have been arrested in connection with Crime No. 117/2016, registered at Police Station Devbhog, District Gariyaband (C.G.) for the offence punishable under Sections 363, 366, 376(2)(n) of the Indian Penal Code and Section 4/6 of the Protection of Children From Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that, the applicant has committed sexual intercourse with the minor prosecutrix and thereby committed the offence under the aforesaid sections.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and has not committed any offence. He further submits that the applicant is in custody since 20.10.2016

and charge-sheet has been filed and also the trial is likely to take some time for its final disposal, therefore he may be released on bail.

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

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

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the present applicant; and also the age of the minor prosecutrix being minor aged about 16 years on the date of offence, I do not consider it a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

**SD/-**

**(Sanjay K. Agrawal)**

Judge