

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4572 of 2018**

Awadesh Kaiwartya S/o Firuram Kaiwartya, Aged About 24 Years R/o- Village Khorsi, Police Station Shivrinarayan, Civil And Revenue District- Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, P.S. Kasdol, District- Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri A.P. Sharma, Advocate appears on behalf of Shri S.K. Verma, Advocate
For the State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 127/2018 registered at Police Station Kasdol, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 376 and 506 of IPC and Section 4 of the Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that at the time of alleged incident i.e. on 03/03/2018 the prosecutrix was below 16 years of age, she is resident of village Madwa. On 03/03/2018 near about 4 p.m. when prosecutrix was returning back after replying the nature's call, applicant caught hold her pressed her mouth and forcibly committed sexual intercourse with her.

4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, applicant is in custody since 16/03/2018, therefore, she shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that no other criminal case is registered against the present applicant.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
7. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge