

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4684 of 2018**

Prashant Verma @ Chhota, son of Shri Sheshnarayan Shukla, aged about 24 years, resident of Ward No.07 Chandani Chowk, Lohara, District Kabirdham (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station S. Lohara, District Kabirdham (CG).

---- Non-applicant

For Applicant : Mr. Devesh Chandra Verma, Advocate

For Non-applicant : Mr. Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the copy of charge-sheet provided by the counsel for the applicant in connection with Crime No.06/2018 registered in Police Station S-Lohara, District Kabirdham for the offence punishable under Sections 363, 376 of IPC and Sections 3, 4 of Protection of Children Sexual Offences.
3. Case of the prosecution, in brief, is that the age of the prosecutrix is near about 13 years 11 months. She is resident of Nayabus Stand Saraspur Lohara. She was knowing the accused/applicant Prashant Shukla @ Chhota Shukla (the name of applicant was wrongly mentioned as Prashant Verma in Court below). On 07.01.2018 the prosecutrix sat in the motor-cycle of applicant and thereafter, the applicant committed rape with her in the agricultural field in village Mahratola and thereby committed the aforesaid offences.
4. Counsel for the applicant would submit that there was love affairs between the applicant and prosecutrix and the medical report of the prosecutrix does not support the prosecution case. The applicant has

not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.

5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. *Prima facie* it appears that at the time of alleged incident the age of the prosecutrix was below 15 years.
8. What would be effect of not found injuries on the body of the prosecutrix may be considered at the time of final disposal of the case.
9. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
10. Consequently, the bail application is rejected.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-