

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4868 of 2018**

- Shashi Kumar Verma S/o Ramnath Verma Aged About 18 Years R/o Ward No. 37, Chief House Donanhil, Police Station Chirmiri, Tahsil Khadgawa, District Korea Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Outpost Korea, Police Of Police Station Chirmiri, District Korea Chhattisgarh.

---- Non-applicant

For Applicants : Shri Anil Gulati, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 128/2018 registered at Police Station – Chirmiri, District – Korea (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 03.06.2018 prosecutrix was more than 16 years old. She is resident of village Domanhil. On 03.06.2018 prosecutrix had gone to the house of Rahul to meet with the applicant. Thereafter, applicant confined her inside a room, beaten her and committed sexual intercourse with her.

4. Learned counsel for the applicant argued that there was an intimacy between applicant and prosecutrix, MLC report of prosecutrix does not support the prosecution case. The applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. M.L.C. report is the subject matter of scrutiny of the evidence, which could be done by the trial Court at the time of disposal of the case.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, 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.
8. Consequently, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE