

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5066 of 2018**

Krishna Yadav, S/o Shri Dipak Yadav, aged about 20 years, R/o Modi Para, Soniya Nagar, District Raigarh (CG).

---- Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station City Kotwali, District Raigarh (CG).

---- Non-applicant

For Applicant : Mr. Hemant Kumar Patel, Advocate

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.08.2018**

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 State in connection with Crime No.603/2013 registered in Police Station City Kotwali, District Raigarh for the offence punishable under Sections 363, 366, 376/34 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the age of the prosecutrix is near about 07 years on the date of incident. On 27.07.2013 at about 10:30 pm, when the prosecutrix was sleeping, the applicant took the prosecutrix and went to the vacant house of his neighbour Munnu Chouhan and committed sexual intercourse with her.
4. Counsel for the applicant would submit that 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. 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.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-