

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5661 of 2018**

- Deepak Behra S/o Devanand Behra Aged About 38 Years R/o- Beltukari, Police Station Beltukari, District Nuapada (Orissa) Presently Residing At Trimutry Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh Through- The Police Station Devendra Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Malay Kumar Bhaduri, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29.08.2018**

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. 115/2018 registered at Police Station – Devendra Nagar, District – Raipur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 02.06.2018 prosecutrix was below 14 years old. She is resident of Indra Awas Colony, Raipur. Applicant committed forcible sexual intercourse with her. He had taken her nude snaps. He was committing sexual intercourse with her giving threatening that he will public the photographs.

4. Learned counsel for the applicant argued that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. 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.
7. Consequently, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE