

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6498 of 2018**

Murari Markam, S/o Mohan Markam, aged about 23 years, R/o Ward No.04, Naya Talab, Sharda Chowk, Post Office & Police Station Gariyaband, District Gariyaband (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Gariyaband, District Gariyaband (CG).

---- Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate

For Non-applicant : Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.10.2018**

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.22/2018 registered in Police Station Gariyaband, District Gariyaband for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that on 01.02.2018 the age of the prosecutrix was below than 16 years old. She is resident of village Shikshak Nagar, Amdih. There was a intimacy between the applicant and prosecutrix. On 01.02.2018 the applicant took away the prosecutrix by enticing to perform marriage with her and, thereafter, he committed sexual intercourse with her.
4. Counsel for the applicant submits 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 opposes the prayer for grant of bail to the applicant. However, he further submits that no criminal antecedent is reported against the applicant in police case diary.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that on 01.02.2018 the age of the prosecutrix was below than 16 years; and 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/-