

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6839 of 2018**

- Ashok Kumar S/o Dashrath Lahrey Aged About 24 Years R/o Village-Kenapali, Police Station- Dabhra, District- Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Dabhra, District- Janjgir-Champa, Chhattisgarh.

---- Non-applicant

For Applicants : Shri Surfaraj Khan, Advocate.

For Non-applicant : Shri Ramakant Pandey, 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 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. 274/2018 registered at Police Station – Dabhra, District – Janjgir-Champa (C.G.) for the offence punishable under Sections 376 and 506 of the Indian Penal Code and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 29.06.2018 prosecutrix was below 16 years of age. She is resident of village Kennapali. On 29.06.2018 at about 07:30 pm she had gone to bathroom for toilet. Applicant who was hidden behind courtyard, taken the prosecutrix in bathroom, pressed her mouth, given threatening to kill and committed

sexual intercourse with her.

4. Learned counsel for the applicant argued that on 01.07.2018 prosecutrix was found pregnant, it shows that the applicant has been falsely implicated in the 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. In the case in hand there is no material available on record on the strength of which it could be said that on 01.07.2018 when the FIR was lodged, prosecutrix was pregnant.
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