

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 227 of 2019**

Keshav Kumar Sahu, S/o Bihari Lal, aged about 21 years, R/o Gouripur (Kashipur), Police Station Premnagar, District Surajpur (CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant	: Mr. C.P. Lahrey, Advocate
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer
For Informant	: Mr. Shashi Bhusan Tiwari, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.03.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.64/2018 registered in Police Station Premnagar, District Surajpur for the offence punishable under Section 376 of IPC, Sections 3 & 4 of POCSO and Sections 3(2)(5) & 3(1)(12) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief, is that on 27.08.2018, the prosecutrix was below 16 years of age. She is a resident of village Gouripur. On 27.08.2018 at about 3:00 p.m., the applicant took her near the tamarind tree by pulling and committed forcibly sexual intercourse with her.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that medical evidence has not supported the prosecution case hence he may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that there is no criminal antecedent against the applicant is reported in police case diary.
6. Counsel for the informant submitted that he has objection on grant the bail to the applicant.
7. Looking to the facts and circumstances of the case, looking to this fact that prosecutrix was below 16 years of age, 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. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE