

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.301 of 2019**

Rohan Rai, S/o Shri Rakesh Rai, aged about 20 years, R/o Subhash Nagar, Bangali Para, Ambikapur, District Surguja (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Atrocities, Surajpur, District Surajpur (CG). **---- Non-applicant**

For Applicant : Mr. Sanjeev Verma, Advocate

For Non-applicant/State : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

01.02.2019

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.282/2018 registered in Police Station Surajpur (Atrocities), District Surajpur for the offence punishable under Sections 363, 366 of IPC and Section 3(2)(5) of Atrocities Act.
3. Case of the prosecution, in brief, is that on 04.10.2018, the prosecutrix was aged about 14 years of age. She is a resident of village Aazirama. On 04.10.2018 the applicant took her by enticing on the pretext of marriage. She is a member of Scheduled Caste and the applicant is neither a member of Scheduled Caste nor Scheduled Tribe.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the present case. He is a student. He and prosecutrix were familiar to each other hence he may be released on bail.
5. On the other hand, counsel for the State opposed the bail application, however, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. 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.
7. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE