

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 783 of 2019**

Jugal Kishore Sinha, son of Kallu Ram Sinha, aged about 27 years, resident of Arajkund, Police Station Dongargaon, District Rajnandgaon(CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Mr. B.P. Singh, Advocate
For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

11.02.2019

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.158/2018 registered in Police Station Dondilohara, District Balod for the offence punishable under Section 376 of IPC, Section 4/6 of Protection of Children from Sexual Offences Act, 2012 and Sections 3(2)(B)2, 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief, is that on 21.09.2018, the prosecutrix was aged about 17 years old. She is a resident of village Kochera. On 21.09.2018 at about 8:00 p.m., the applicant had come in her house and forcefully sat her in his car and on the way he stopped his car and committed sexual intercourse with her in his car. She is a member of Scheduled Caste.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that the prosecutrix was a consenting party and there is a delay in lodging the FIR. As per statement of the prosecutrix recorded under Section 164 of CrPC, it appears that the applicant allegedly took the prosecutrix from her house and it indicates that no criminal force was used upon her and as such he may be granted bail.
5. On the other hand, counsel for the State opposes the bail application. However, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case 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. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE