

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 909 of 2019**

- Babu Singh S/o Matukdhari Singh Raghubanshi Aged About 37 Years R/o Matukpur Ward No. 13 Police Station Kelhari And Tahsil Manendragarh District Koriya Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kelhari District Koriya Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri A. N. Pandey, Advocate
For the State	:	Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30/04/2019**

1. Allegedly Informant- Ramdayal Pando is unkle of the prosecutrix present in person before this court after putting some questions this Court has satisfied that person who is present in the Court, is informant Ramdayal Pando.
2. This is the 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.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.68/2018 registered at Police Station- Kelhari, District- Koriya (C.G.) for the offence punishable under Sections 363, 366, 341, 506, 450 of Indian Penal Code and under Section 3(1-10), 3(2-5) of Scheduled Caste and Scheduled Tribe(Prevention of Atrocities Act).
4. Case of the prosecution, in brief is that on 03.10.2018 prosecutrix was below 13 years of age. She is a member of Scheduled Tribe. She is resident of Village Bahi Barpani. On 03.10.2018 about 22:00 hours, applicant entered in the house of prosecutrix and took her by pressing her mouth near his own house. Co-accused Mukesh Pando was standing there. Co-accused Mukesh pando saying that he will marry her and committed sexual intercourse with her.
5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.
7. Counsel for the applicant further submits that main accused is co-accused Mukesh Pando who has been acquitted by Juvenile Board thus, he may be released on bail.
8. Counsel for the informant submits that he has no objection in releasing the applicant on bail.
9. Looking to the above mentioned facts and circumstances of the case, looking to this fact that at the time of alleged incident prosecutrix was below 13 years of age, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-**(Sharad Kumar Gupta)**
Judge