

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1047 of 2019**

- Subhash Chouhan S/o Shri Mansharam Chouhan Aged About 21 Years R/o Village Nageda, Thana Rajadeori, Civil And Revenue, District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Saliha, Civil And Revenue, District Baloda Bazar Bhatapara Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Sunil Sahu, Advocate
For the State	:	Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.04.2019**

1. Notice has been served to informant Phul Singh Bariha though neither he is present nor on behalf of him anybody is present.
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.01/2019 registered at Police Station- Saliha, District- Balodabazar-Bhathapara (C.G.) for the offence punishable under Sections 363, 376 of Indian Penal Code and Section 04,18 of Protection of Children's from Sexual Offences Act 2012.
4. Case of the prosecution, in brief on 03.01.2019 prosecutrix was below 16 years of age. She is resident of village Rajadeori. On 03.01.2019 applicant took prosecutrix forcibly village Memra, thereafter village Darrabhata. They stayed there till 08.01.2019 meanwhile applicant committed forcible sexual intercourse with prosecutrix.
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 and he further submits that prosecutrix lived with applicant for 5 days. Thus, he may 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 in police case diary.
7. Looking to above mentioned facts and circumstances of the case, looking to this fact that on 03.01.2019 prosecutrix was below 16 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.
8. Certified copy as per rules.

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

Parul