

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 989 of 2019**

Sumit Kahra, son of Vimal Kahra, aged about 22 years, R/o Ward No.13, Kahrapara, Janjgir District Janjgir Champa (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Janjgir, District Janjgir Champa(CG). **---- Non-applicant**

For Applicant	: Mr. Yogeshwar Sharma, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21.02.2019**

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.700/2018 registered in Police Station Janjgir, District Janjgir Champa for the offence punishable under Sections 363, 366(A) of IPC and Sections 11, 12, 17 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief, is that on 09.11.2018 the prosecutrix was below 16 years of age. She is a resident of village Purani Basti, Nanakchal, Janjgir. The prosecutrix was in contract of the applicant. On 09.11.2018 at about 5:00 p.m., the applicant called her. He was along with co-accused Raja @ Deepak Rathore. The applicant took her and sat her in the motorcycle by enticing on the pretext of marriage. The motorcycle was driven by co-accused Raja @ Deepak Rathore. Co-accused Raja left her and applicant at near the railway station and he returned back.
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 co-accused Raja @ Deepak Rathore has already been released on bail by this Court vide order dated 16.01.2019 passed in M.Cr.C. No.9737/2018 hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. The case of the applicant is severer than co-accused Raja @ Deepak Rathore. In the case in hand, the applicant took the prosecutrix by enticing on the pretext of marriage, who was below 16 years of age. Co-accused Raja @ Deepak Rathore along with the applicant.
7. 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. Consequently, the bail application is rejected.
8. Certified copy as per rules.

SD/-
(Sharad Kumar Gupta)
JUDGE