

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1261 of 2019**

- Shekhar Manikpuri S/o Bhaiyaram Manikpuri Aged About 23 Years R/o Imlipara, Ward No. 11, Kanker, District- North Bastar- Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kanker, District- North Bastar- Kanker, Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Prasoon Agrawal, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21/06/2019**

1. On 06.05.2019 informant was absent though notice was served upon her.
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.304/2018 registered at Police Station- Kanker, District- North Bastar- Kanker (C.G.) for the offence punishable under Sections 363, 366, 376(2) (अ) (ब) of Indian Penal Code and Section 6 of the Prevention of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 05.03.2018 prosecutrix was below 15 years of age. She is resident of Kanker. On 05.03.2018 applicant took her by enticing and committed forcible sexual intercourse with her, he had also given threatening to kill her. Thereafter, he committed repeatedly sexual intercourse with her after giving threatening to kill 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 in police case diary.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that on 05.03.2018 prosecutrix was below 15 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