

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2668 of 2019**

- Arun Yadav S/o Gopal Yadav Aged About 23 Years R/o Village Hethsemra, Thana Pandrapath, District- Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S.- Bagicha, District- Jashpur, Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Sanjay Agrawal, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.06.2019**

1. Allegedly Informant- Uchit Narayan Yadav, who is father of the prosecutrix, is absent. Notice has been served upon him.
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.20/2018 registered at Police Station- Bagicha, District- Jashpur (C.G.) for the offence punishable under Section 376 of Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 01.06.2017 prosecutrix was below 15 years of age. She is resident of village Hethsemra. On 01.06.2017, onwards applicant committed forcible sexual intercourse with her. Prosecutrix became pregnant and gave birth to a child.
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 further submits that FIR is delayed.
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. Looking to the above mentioned facts and circumstances of the case, looking to this fact that on 01.06.2017, 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.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul