

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2602 of 2019**

- Satayanarayan Baghel S/o Rajendra Baghel Aged About 25 Years R/io Chakwe, Police Station Kharora, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kharora, District Raipur Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri B.L. Sahu, Advocate
For the State	:	Shri Washim Miyan, Panel Lawyer
For the Informant	:	Shri Amit Baxy, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****16.05.2019**

1. 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.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.30/2019 registered at Police Station- Kharora, District- Raipur (C.G.) for the offence punishable under Sections 363, 366A, 376, 506 of Indian Penal Code and Section 4, 8 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 21.01.2019 prosecutrix was below 16 years of age. She is resident of village Chakwe. On 21.01.2019 at about 23:30 hours, applicant took her forcefully to the field near the Korasi Khar Nala and committed rape with her and gave threats that if she would narrate the incident to anyone he will rape with her sister.
4. 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 further submits that FIR is delayed by 10 days, prosecutrix was consenting party.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.
6. Counsel for the informant submits that he has objection in releasing the applicant on bail.
7. 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 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