

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4433 of 2019

- Yakub Khan S/o Late Rauf Khan Aged About 40 Years R/o Ghantaghar, M. P. Nagar, Atal Awas No. 39, O. P. Rampur, Police Station Kotwali, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - A J A A K , Korba District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant : Shri Suresh Tandan, Advocate.

For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board30.07.2019

1. This is 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. 813/2018 registered at Police Station – AJJAK, Korba District – Korba (C.G.) for the offence punishable under Sections 363, 366-A, 376(2)(a), 342 of the Indian Penal Code and Section 6 of the POCSO Act and Section 3(2)(v), 3(l)(b), 3(2)(v-A) of the STSC Act.
3. Case of the prosecution, in brief is that on 19.10.2018 prosecutrix was aged about 16 years. She is a member of Scheduled Caste. Applicant neither is the member of Scheduled Caste nor Scheduled Tribe. On 19.10.2018 applicant took her in a house, confined her and

committed repeatedly sexual intercourse with her.

4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.

6. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, the present bail application is rejected.

7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE