

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7039 of 2018**

- Juber Khan S/o Late Jamil Aged About 17 Years Through Guardian Gouri Rain R/o Bharrapara, Pendra, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Ratanpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
---- Non-applicant

For Applicant	: Shri Devesh Chandra Verma, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

29/01/2019

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. 237/2018 registered at Police Station – Pendra District – Bilaspur (C.G.) for the offence punishable under Sections 377, 506 of the Indian Penal Code.
3. Case of the prosecution, in brief is that complainant is about 10 years old. He is resident of village Pendra. On 02/07/2018 about 4:00 PM applicant took the victim in the room of the Futha School by pressing his mouth and committed buggery with him. He had beaten him and given threats to kill.
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.
6. Counsel for the applicant further submitted that charge-sheet has been filed, applicant is in jail since 04/07/2018. As per the MLC report of complainant it has been mentioned that no abrasion, redness, swelling were seen in his anus.
7. What would be effect of MLC report is the subject matter of the scrutiny which cannot be done by this Court at this stage.
8. Looking to the facts and circumstances of the case, 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE