

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9736 of 2018**

Rajendra Joshi, S/o Kanheya Joshi, aged about 19 years, Occupation Cloth Merchant, R/o Jewadankal, P.S. Kawardha, Tahsil Kawardha, Civil and Revenue District Kabirdham (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Kawardha, Civil and Revenue District Kabirdham (CG). **---- Non-applicant**

For Applicant	: Mr. Dinesh Tiwari, Advocate
For Non-applicant	: Mr. I. Lakra, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

22.01.2019

1. Case diary is not produced.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
3. Perused the copy of charge-sheet provided by the counsel for the applicant in connection with Crime No.601/2018 registered in Police Station Kawardha, District Kabirdham for the offence punishable under Sections 363, 366, 376, 506 of IPC and Section 4 of Protection of Children Sexual Offences.
4. Case of the prosecution, in brief, is that on 03.09.2018 the age of prosecutrix was below than 15 years. She is a resident of village Kawardha. On 03.09.2018 the applicant took her by enticing on the pretext of marriage and they went to temple, where he put vermilion on her forehead. He committed sexual intercourse with her. When her parents came there to see her then he gave threat to kill them.
5. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the prayer for grant of bail to the applicant.
7. As per enclosed photocopy of memo of arrest, which is a part of charge-sheet, no criminal antecedent is reported against the applicant in police case diary.
8. Looking to the facts and circumstances of the case, looking to this fact that at the time of alleged incident, the age of the prosecutrix was below than 15 years, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE