

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9703 of 2018**

Raju @ Rajesh, S/o Ramashankar Keshwarwani, aged about 27 years,
R/o Ratakhar, Tahsil & District Korba (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, City Kotwali, Korba,
District Korba (CG). **---- Non-applicant**

For Applicant	: Mr. Surfaraj Khan, Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

16.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.716/2018 registered in Police Station City Kotwali, District Korba for the offence punishable under Sections 363, 366(A), 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief, is that on 24.09.2018, the prosecutrix was aged about 13 years. She is a resident of village Ratakhar, Korba. On 24.09.2018 she went to Chandrapur for roaming. The applicant met her, when they were returning back from there at about 8:9 p.m., the applicant took her in lonely place and committed sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that the prosecutrix has not stated anything against the applicant in the statement recorded under Section 161 of CrPC hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant however he submits that no criminal

antecedent reported against the applicant in police case diary.

6. Though, the prosecutrix has stated nothing against the applicant in her statement recorded under Section 161 of CrPC, but she has made clear allegation against the applicant regarding rape in her statement recorded under Section 164 of CrPC by the concerned JMFC.
7. Looking to the aforesaid facts and circumstances of the case, looking to the statement of prosecutrix recorded under Section 164 of CrPC; and 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-