

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9821 of 2018**

Sagar Vishwakarma son of Firat Ram Vishwakarma, aged about 25 years, R/o Village Nevsa, Out Post Hardibazar, P.S. Kusmunda, District Korba (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kusmunda, District Korba (CG).
---- Non-applicant

For Applicant : Mr. Govind Ram Miri and Mr. Basant Kaiwartya,
 Advocates

For Non-applicant : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17.01.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.147/2018 registered in Police Station Kusmunda, District Korba for the offence punishable under Sections 363, 366, 376, 506 of IPC and Sections 4 & 6 of POCSO Act.
3. Prosecution story in brief is that on 12.06.2018 the age of the prosecutrix was more than 17 years. She is a resident of village Sarvamangla Nagar, District Korba. On 12.06.2018 the applicant took her by enticing to see the fair and he kept her in his house for five days. He committed sexual intercourse with her.
4. Counsel for the applicant would submit 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.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant. However, he would further submit that no criminal antecedent reported against the applicant in police case diary.
6. In the photocopy of the statement of prosecutrix recorded under Section 164 of CrPC, it has been mentioned that earlier she had given the statement to the police as tutored by the applicant and he had also given threatening to kill her.
7. In support of the case, counsel for the applicant drew my attention on the statement of prosecutrix recorded under Section 161 of CrPC by Child Welfare Committee.
8. Looking to the facts and circumstances of the case, 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