

**(2018) 06 CHH CK 0131**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 3362 Of 2018

Tejeshwar Singh Thakur @ Monu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** June 25, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 342, 376, 511
- Code Of Criminal Procedure, 1973 - Section 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 4

**Hon'ble Judges:** Sanjay K. Agrawal, J

**Bench:** Single Bench

**Advocate:** Pushkar Sinha, Avinash Singh

**Final Decision:** Dismissed

**Judgement**

Sanjay K. Agrawal, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 10/2018, registered at Police Station Azad Chowk, Raipur, District Raipur (C.G.) for the offence punishable under Sections 342, 511, 376 of I.P.C. & Section 4 of Protection of Children from Sexual Offence Act, 2012
2. Case of the prosecution, in brief, is that, applicant is said to have committed forcible sexual intercourse with the minor prosecutrix and thereby committed offence under the aforesaid Sections.
3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would

further submit that applicant is in jail since 09.01.2018 and charge sheet has already been filed and no useful purpose would be served by keeping him in jail, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. After hearing learned counsel for the parties and considering the material available on record and the age of the prosecutrix is said to be 8 years and the offence is said to have been committed with the minor prosecutrix, I do not consider it fit case for grant of bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.