

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4830 of 2017**

Rajendra Gayakwad S/o Shri Sonu Ram Aged About 21 Years, R/o Village Mohrenga, Police Station Kharora, Tahsil Tilda, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Kharora, Tahsil Tilda, District Raipur Chhattisgarh

---- Respondent

For the Applicant	:	Shri Malay Kumar Bhaduri, Advocate
For the Non-applicant	:	Shri Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03/11/2017**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 45/2017 registered at Police Station Kharora, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 3 & 4 of the POCSO Act.
3. Case of the prosecution, in brief is that date of birth of the prosecutrix is 01/10/1999 and she is resident of village Mohrenga. On 21/02/2017 by 05.00 a.m. the father of the prosecutrix Santram Bandhware found that the prosecutrix is not present in the house. He reported the matter in Police Station Kharora, subsequently the prosecutrix was recovered from the possession of the present applicant. During the investigation

it has been found that on 21/02/2017 said applicant taken away her by enticing and they performed the marriage in Somnath Temple. They went Puna where they lived near about three months, said applicant had committed sexual intercourse against will and wish of the prosecutrix, ultimately she became pregnant.

4. Learned counsel for the applicant submits that the age of the prosecutrix is about 17 years and 9 month and she is pregnant, charge-sheet has been filed, medical report does not support the case of the prosecution and the applicant is in jail since 20/06/2017, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
7. Consequently, the MCRC is dismissed.

Sd/-

(Sharad Kumar Gupta)
Judge