

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4929 of 2017**

Umesh @ Mandal S/o Mansharam Jangde, Aged About 19 Years, R/o Village Madhubankala, Chowki Bhatgaon, Thana Bilaigarh, Civil & Revenue District Balodabazar-Bhatapara, Chhattisgarh, Present Address Near Sonarpur Railway Station, Thana R P F Sonarpur, Calcutta (West Bengal).

---- Applicant

Versus

State Of Chhattisgarh Through Police Outpost Bhatgaon, Thana Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Sunil Sahu, Advocate
For the Non-applicant	:	Shri Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**06/11/2017**

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.167/2017 registered at Police Station Outpost Bhatgaon, Thana Bilaigarh, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376/34 and 368/34 of IPC and Section 17, 18 & 4 of POCSO.
3. Case of the prosecution, in brief is that prosecutrix was about 15 years and 5 months old. On 14/04/2017 by 11 a.m. she was not found in the house at village Madhubankala. Her father doubting the present applicant, lodged the report in outpost Bhatgaon. During the

investigation it has been found that the said applicant had taken away the prosecutrix by enticing her. Prosecutrix was recovered from the custody of applicant at Culcutta. At Culcutta applicant kept her as wife by putting the vermilion on her forehead and thereafter the applicant continuously made the physical relation with the prosecutrix.

4. As per the statement recorded by the Chairman, Child Welfare Committee, Balodabazar there was love affair between her and applicant and they ran away for performing the marriage to Culcutta, but as per the statement of the prosecutrix recorded under Section 164 of CrPC applicant had taken away her Culcutta where he had committed sexual intercourse with her.
5. Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated, charge-sheet has been filed, there is no complaint by the prosecutrix which she has stated of anything forceable act having been committed and the applicant is in jail since 24/05/2017, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. 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.
8. Consequently, the MCRC is dismissed.

Sd/-

(Sharad Kumar Gupta)
Judge