

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5887 of 2018**

Pankaj Kumar Dewangan @ Punesh, S/o Shri Ramdhani Dewangan, Caste Panika, aged about 18 years, R/o Village Dharampur Chikni, P.S. Bhatgaon, District Surajpur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Bhatgaon, District Surajpur (CG).

---- Non-applicant

For Applicant : Mr. Rahul K. Mishra, Advocate

For Non-applicant : Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the copy of charge-sheet provided by the counsel for the State in connection with Crime No.54/2018 registered in Police Station Bhatgaon, District Surajpur for the offence punishable under Sections 363, 366, 376, 342, 323 of IPC & Sections 4, 5, 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the age of the prosecutrix was below than 16 years on the date of incident. She is a resident of village Dharampur (Chikni). On 14.01.2018 at about 4:00 pm when the prosecutrix was going to purchase the glossary articles, the applicant took away her by enticing that he will perform marriage with her and he will continue her study. He kept her in his house and committed forcefully sexual intercourse with her and, thereafter, on 08.04.2018 he ousted her from his house.
4. Counsel for the applicant submits that there was a love affairs

between the applicant and prosecutrix. The prosecutrix lived in his house as a wife. The applicant is still now ready to keep her as a wife. He further submits 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 opposes the prayer for grant of bail to the applicant.

6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.

7. Looking to these facts and circumstances of the case, looking to the fact that on 14.01.2018 the age of the prosecutrix was below than 16 years; 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.

8. Consequently, the bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-