

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5724 of 2018**

1. Rajesh S/o Suresh Balmik Aged About 23 Years R/o- Lohari, P.S. Tahsil Betarwar, District- Gwaliyar, M.P.
2. Lilakumari Patel S/o Late Chandrashekhar Patel Aged About 19 Years R/o- Village Borida, P.S. Sarangarh, District- Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through- The Station House Officer,
Police Station Kosir, District- Raigarh, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Manoj Sinha, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**31/08/2018**

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.100/2018 registered at Police Station Kosir, District Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376, 34 of IPC and Section 4, 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 08/05/2018 prosecutrix was aged about 14 years and 7 months. She is resident of village Borida. On 08/05/2018 applicants and co-accused Rajesh taken away her Datiya. In Datiya co-accused Rajesh Balmik S/o Saraju Balmik committed sexual intercourse with her.
4. Counsel for the applicants argued that applicants are innocent and falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application.

6. Looking to the age of the prosecutrix on 08/05/2018, looking to the other facts and circumstances of the case and 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 applicants.
7. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde