

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6028 of 2018**

Samsheer Alam, S/o Nazir Ansari, aged about 21 years, R/o Chandranagar,  
P.S. Ramanujganj, District Balrampur Ramanujganj (CG).

**---- Applicant****Versus**

State of Chhattisgarh, through Station House Officer, Police Station  
Ramanujganj, District Balrampur Ramanujganj (CG).

**---- Non-applicant**


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For Applicant : Mr. Jitendra Shrivastava, Advocate

For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****22.10.2018**

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.52/2018 registered in Police Station Ramanujganj, District Balrampur Ramanujganj for the offence punishable under Sections 376(2)( $\text{२}$ ) of the Indian Penal Code and Section 6 of POCSO Act.
3. Case of the prosecution, in brief, is that the prosecutrix is a resident of village Chandranagar. As per *Dakhil Kharij Register*, her date of birth is 20.01.2001 and as per photocopy of the mark-sheet of Class-V, her date of birth is 20.10.2001. On 01.09.2017 she went to forest to collect wood at that time the applicant came there and committed sexual intercourse with her on the pretext of marriage as a result of which she became pregnant and, thereafter, the applicant performed marriage with another girl.
4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case. He

would further submit that there is a delay of 08 months in lodging FIR and medical report also does not support the prosecution case hence the applicant may be released on bail.

5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant. He would further submit that no criminal antecedent is reported against the applicant in police case diary.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. Looking to the facts and circumstances of the case, looking to this fact that the applicant *prima facie* committed sexual intercourse with the prosecutrix on the pretext of marriage and, thereafter, he did not fulfill his promise and performed marriage with another girl; 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/-