

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5873 of 2018**

Girwar Sahu S/o Late Preet Ram Sahu Aged About 23 Years R/o-
Ward No. 7, Chataisheet, Ahiwara, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, Police
Station Nandani Nagar, District- Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri N.S. Dhurandhar, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/09/2018**

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 counsel for the State in connection with the Crime No.83/2018 registered at Police Station Nandani Nagar, District Durg (C.G.) for the offence punishable under Sections 363, 366 and 376 of IPC and Section 5(L) & 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 28/03/2018 prosecutrix was below 16 years of age. She is resident of village Banbarad. On 28/03/2018 applicant taken away the prosecutrix on pretext of marriage. Thereafter they performed marriage in a temple. Applicant committed sexual intercourse with the prosecutrix.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated in the present case, 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 above mentioned facts and circumstances of the case, looking to this fact that the age of the prosecutrix is below 16 years, 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