

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7667 of 2018**

Nandraj Sai S/o Reshman Sai Aged About 21 Years R/o Village-
Bangaon, Police Station- Farsabahar, District- Jashpur, Chhattisgarh.,
District : Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station- Farsabahar, District- Jashpur, Chhattisgarh., District :
Jashpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Madhunisha Singh, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26/11/2018**

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.9/2018 registered at Police Station Farsabahar, District Jashpur (C.G.) for the offence punishable under Section 376 of IPC and Section 4 & 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 21/03/2017 prosecutrix was below 16 years of age. She is resident of village Garebandh. Since back 21/03/2017 applicant has committed forcibly repeatedly sexual intercourse with her on pretext of marriage. She became pregnant. Applicant refused to marry with her. She procreate male child.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that as per the DNA report applicant is not the biological father of male child.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge