

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7668 of 2018**

Loknath Meher S/o Nimaicharan Mehar Aged About 26 Years Caste -Bhulia R/o Village Rasoda, Police Station Basna District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.
 ---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Basna District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.
 ---- Respondent

For the Applicant	:	Shri G.I. Sharan, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**10/12/2018**

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.381/2018 registered at Police Station Basna, District Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of POCSO Act.
3. Case of the prosecution, in brief is that on 10/09/2018 prosecutrix was below 16 years of age. She is R/o village Sitapur. On 10/09/2018 applicant took her at village Kiroli by enticing on pretext of marriage, committed sexual intercourse with her. Thereafter he took her in village Kiroli, Rasoda. In village Kiroli he again committed sexual intercourse with her.
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 submits that FIR is delayed by 9 days. Prosecutrix did not offer any resistance. In this circumstances applicant may be released on bail.
7. Looking to the facts and circumstances of the case, looking to the age of prosecutrix, 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