

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 71 of 2019**

- Surendra Lakda @ Motu S/o Late Shri Gopal Ram Aged About 26 Years R/o Village Singitana, P. S. and Tahsil Lakhanpur, District Surguja CG

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Gandhinagar, District Surguja CG

---- Respondent

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| For applicant        | Mr. Jitendra Shrivastava, Adv. |
| For Respondent/State | Mr. M. Asha, PL.               |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****28-1-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 173/2018 registered in police station Gandhinagar, Distt. Sarguja (CG) for offence punishable under Section 363, 366, 376(2)(३), 342, 506 of the IPC and Section 4, 5(३)/6 of the POCSO Act.
3. Perused the case diary.
4. Prosecution story in brief is that on 30-4-2018 prosecutrix was about 17 ½ years old. She is a resident of village Khadgaon. She and the applicant had friendship. On 30-4-2018 onwards, he committed sexual intercourse with her on pretext of marriage and stating that he is bachelor. Later she came to know that he is married. He confined her in his house. She ran away from his house and reached to police station Lakhanpur on 17-7-2018 and lodged report.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated. He further submitted that there is inordinate delay in lodging the FIR. The applicant is in jail since 18-7-2018. He also submitted that in the FIR it has not been mentioned that the applicant had committed sexual intercourse with the prosecutrix stating that he was not married. Hence he may be released on bail.
6. On the other hand, the State Counsel opposed the bail application.

7. In the statement of prosecutrix, it has been mentioned that the applicant had committed sexual intercourse with her stating that he is not married.
8. Looking to the facts and circumstances of the case, 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.
9. Consequently, the MCRC is dismissed.

**Sd/-**  
**(Sharad Kumar Gupta)**  
**Judge**