

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 232 of 2019

- Prince Kumar Sahu S/o Shri Heeradhar Sahu Aged About 22 Years R/o Village Kurrubhata ,police Station Khallri ,District Mahasamund Chhattisgarh
---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer , Police Station Khallri ,district Mahasamund Chhattisgarh
---- Non Applicant

For the Applicant	:	Shri Sumit Shrivastava, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.04.2019

1. Informant prosecutrix present in person.
2. On putting some queries, this Court is satisfied that the girl who is present before this Court is the informant.
3. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
4. Case diary not produced. Counsel for the applicant produced photocopy of the charge sheet.
5. The applicant has been arrested in connection with Crime No.184/2018 registered at Police Station- Khallri, District- Mahasamund (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 6 of Protection of Children's from Sexual Offences Act 2012.
6. Case of the prosecution, in brief is that on 01.10.2016 prosecutrix was below 16 years of age. She is resident of village Tamora. There was love affair between her and applicant. He had committed repeatedly sexual intercourse with her on pretext of marriage. On 01.10.2016 he took her. They performed the marriage in a temple by exchange of garlands. He again committed repeatedly sexual intercourse with her thereafter, he refused to keep her with him.
7. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application.
9. As per the photocopy of the arrest memo of the applicant which is part of the charge sheet it has been mentioned that no antecedent reported against the applicant.
10. Counsel for the applicant further submits that the marriage of applicant and the prosecutrix has been solemnized, he drew my attention on some photographs thus, he may be released on bail.
11. Informant- prosecutrix submitted that she has objection in releasing the applicant on bail.
12. Looking to the facts and circumstances of the case, looking to this fact that the age of prosecutrix was below 16 years, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
13. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
 Judge