

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 280 of 2019**

Pramod Kumar Nishad S/o Motilal Nishad Aged About 22 Years R/o Villagr Kulbhai, Tahsil And P. S. Karchana, District Allahabad U. P., District : Allahabad, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Jute Mill Chowki, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ashutosh Mishra, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**12/04/2019**

1. After putting some questions this Court satisfied that the person who is present in the Court is Smt. Maya Nishad, informant-mother of the prosecutrix.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.1260/2018 registered at Police Station Jute Mill Chowki, Raigarh, District Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.
4. Case of the prosecution, in brief is that on 23/09/2018 prosecutrix was below 15 years of age. On 23/09/2018 applicant took her by enticing on pretext of the marriage, put vermilion on her forehead in a Durga Temple and committed repeatedly sexual intercourse with her.
5. Learned counsel for the applicant submitted that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. Informant-mother of the prosecutrix Smt. Maya Nishad submitted that

applicant may be released on bail.

8. Looking to the above mentioned facts and circumstances of the case, looking to this fact that at the time of alleged incident prosecutrix was below 15 years of age, 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

Kamde