

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 354 of 2019**

- Aman Yadav S/o Santosh Yadav Aged About 18 Years R/o Sector 8, Street No. 22, Bhilai Nagar, District Durg CG

---- Applicant

**Versus**

- State of Chhattisgarh through the Station House Officer, police Station Nevai District Durg CG

---- Respondent

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For applicant Mr. Uttam Pandey, Adv.  
For non-applicant/State Mr. Wasim Miyan, PL.

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****20-3-2019**

1. Fateh Bahadur Singh, informant is present in person.
2. After putting some questions, this Court is satisfied that the person present is the informant.
3. 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.
4. The applicant has been arrested in connection with Crime No. 199/2018 registered in police station Nevai, Distt. Durg (CG) for offence punishable under Section 363, 366, 376 of IPC and Section 5(᳚) and 6 of the POCSO Act.
5. Prosecution story in brief is that on 10-9-2018 prosecutrix was below 14 years of age. She is a resident of Risali Sector, Bhilai. She and the applicant liked each other. On 10-9-2018, she and applicant were roaming for sometime at Sector 8, Bhilai, then they went in a room of friend of applicant where the applicant committed forcible sexual intercourse with her. Thereafter he committed forcible sexual intercourse with her in Maitri garden. As per true copy of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., the applicant had committed sexual intercourse with her on her wish and will.
6. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail.
7. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
8. The informant submits that the applicant should not be released on bail.
9. Looking to the above facts and circumstances of the case, particularly the fact that at the time of alleged incident the prosecutrix was below 14 years of age, looking to the impact of granting bail to the applicant on the society, the application is rejected.

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