

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 733 of 2019**

- Hemkumar Chaturvedi @ Suraj S/o Rajendra Chaturvedi Aged About 22 Years R/o Village Bartori, Police Station And Tahsil Bilha, District - Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Bilha, District - Bilaspur Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.05.2019**

1. Allegedly Informant- Suraj Dhritlahre, is father of the prosecutrix present in person before this Court. After putting some questions, this Court has satisfied that person, who is present in the Court as informant.
2. S.P. Bilaspur, Shri Abhishek Meena is present in person. He submitted that ASI Suresh Patel and constable Ankush Kaushik have not produced the correspondence of the Court before him thus, he had taken action against said Erring Officer. Concerned S.P. is directed to strictly comply with the order of this Court in future.
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. Perused the case diary provided by the learned counsel for the State in connection with Crime No.297/2018 registered at Police Station- Bilha, District- Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
5. Case of the prosecution, in brief is that on 14.09.2018 prosecutrix was below 16 years of age. There was the love affair between her and applicant. On 14.09.2018 she and applicant eloped. Thereafter, applicant committed repeatedly sexual intercourse with her in Delhi.
6. 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.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.
8. Counsel for the informant submits that he has no objection in releasing the applicant on bail.
9. 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 16 years of age, 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge