

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 962 of 2019**

- Navin Sidar S/o Shiv Prasad Sidar Aged About 19 Years R/o Village Baghnipali, Police Station Chandrapur, Tahsil Dabhra, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chandrapur, District Janjgir Champa Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Deepak Kumar Singh, Advocate
For the State	:	Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25/04/2019**

1. Allegedly Informant- prosecutrix present in person before this court after putting some questions this Court has satisfied that girl who is present in the Court, is informant prosecutrix.
2. 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.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.157/2018 registered at Police Station- Chandrapur, District- Janjgir Champa (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code & Section 4 of POCSO Act.
4. Case of the prosecution, in brief is that on 16.08.2018 prosecutrix was below 15 years of age. She is resident of village baghnipali. On 16.08.2018 applicant took her in Dongri forest at village Pujeripali and committed sexual intercourse with her on pretext of the marriage.
5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case and he further submits that there was the love affair between prosecutrix and applicant, medical evidence does not support the prosecution case.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.
7. Counsel for the informant submits that she has no objection in releasing the applicant 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 offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

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

Parul