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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1032 of 2019**

- Rakesh Ray S/o Nagen Ray Aged About 22 Years R/o Village Raigarh District Nabrangpur, Odissa

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Uttar Bastar Kanker, Chhattisgarh

---- Respondent

For applicant	Mr. Sudeep Johari, Adv.
For Respondent/State	Mr. S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24-4-2019**

1. Informant Smt. Kaushalya Biswas who is mother of the prosecutrix is absent though notice has been served upon her.
2. 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.
3. The applicant has been arrested in connection with Crime No. 64/2015 registered in police station City Kotwali, Distt. Uttar Bastar, Kanker (CG) for offence punishable under Section 363, 366, 376 of IPC r/w. 4 of POCSO Act.
4. Perused the case diary.
5. Prosecution story in brief is that on 2-2-2015 prosecutrix was below 14 years of age. She is resident of village Udaynagar. She and the applicant liked each other. She was ready to leave her parental house and to perform marriage with the applicant. On 2-2-2015 she left her parental house. Thereafter she and he went to Jagdalpur, Karpawand. They performed marriage in a temple at Jagdalpur. Thereafter they started to live as husband and wife. He had committed sexual intercourse with her on pretext of marriage.
6. Counsel for the applicant argued that the applicant is innocent and falsely implicated. He further submitted that as per statement of the prosecutrix recorded under Section 164 of the Cr.P.C. she had stated that she had told the applicant on telephone to meet at Jagdalpur. The prosecutrix had stated in the trial Court that after marriage the applicant had not committed anything with her. He drew my attention in para 2 of the CC of the Statement of the prosecutrix which is part of the bail application. The applicant and the prosecutrix had gone to Jagdalpur, Raigarh and Orissa. Hence he may be released on bail.
7. On the other hand, the State Counsel opposed the bail application.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

