

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1114 of 2019**

- Ravindra Kujur @ Rajendra Kujur S/o Lalsay Aged About 21 Years R/o Village Kunwarpur ,(Jhadipur) Police Station And Tahsil Lakhanpur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lakhanpur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Ms. Varsha Sharma, Advocate.
For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

26.04.2019

1. The informant or her any authorised person is absent though notice has been served to the father of the informant.
2. This is 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. 08/2019 registered at Police Station – Lakhanpur, District – Surguja (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code and Section 4 of the POCSO Act.
4. Case of the prosecution, in brief is that on 12.01.2019 prosecutrix was below 15 years old. She is resident of village Koshba. On 12.01.2019, applicant committed sexual intercourse with her on pretext of marriage.
5. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
7. As per the true copy of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. prosecutrix and applicant had liking for each other. She had eloped voluntarily with him, he has committed sexual intercourse with her.
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