

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1165 of 2019**

Chhailas Panika @ Chhailu S/o Krishna Kumar Panika Aged About 28 Years R/o Khairi, Parsapara, Police Station Jhilmili, District Surajpur Chhattisgarh Presently Residing At Ward No. 12, Haldibadi, Police Station Chirmiri, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Ajak Surajpur District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh .

---- Respondent

For the Applicant	:	Shri Anil Gulati, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/04/2019**

1. Informant Smt. Bilchain absent though notice has been served upon her.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.122/17 registered at Police Station Ajak Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of POCSO Act and Section 3(2)(5) of the SC & ST (Prevention of Atrocities) Act.
4. Case of the prosecution, in brief is that on 01/01/2015 prosecutrix was below 15 years of age. She is resident of village Patna. She is member of Scheduled Tribe. On 01/01/2015 applicant took her by enticing on pretext of marriage and committed repeatedly sexual intercourse with her. She became pregnant. Applicant ran away leaving her.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. Looking to the facts and circumstances of the case, looking to the age of the prosecutrix, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
 Judge