

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1324 of 2019**

Mukesh Kumar Sakat S/o Ramgopal Sakat, Aged About 18 Years, 10 Months, R/o Aachhidongari, Chowki, Chilfi, P.S. Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Chowki Chilfi, P.S. Lormi, District Mungeli Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Renuka Digraskar, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer
For the Informant	:	Shri Ramnarayan Sahu, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/05/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.524/2019 registered at Police Chowki Chilfi, P.S. Lormi, District Mungeli (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 6,4,5 (a) of POCSO Act.
3. Case of the prosecution, in brief is that on 26/11/2018 prosecutrix was below 16 years of age. She is resident of village Anchhidongri. There was the love affair between her and applicant since back three years. On 26/11/2018 he took her by enticing on pretext of marriage. He committed repeatedly sexual intercourse with her on pretext of marriage. She want to live with him.
4. As per the copy of statement of prosecutrix recorded under Section 164 of CrPC she had stated that sexual intercourse was done her own will and wish. She had herself gone in the house of applicant.
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. Counsel for the informant submitted that applicant may not be released 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 16 years of age, 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