

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1487 of 2019

- Saroj Chouhan S/o Pohit Kumar Chouhan Aged About 20 Years Occupation Student Computer Education, R/o Village Kokbahal P.S. Dongaripali, Tehsil Baramkela, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District- Magistrate Raipur, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant	: Shri S.N. Nande, Advocate.
For Non-applicant	: Ms. S. Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.04.2019

1. The alleged informant – Uttam Kumar Patel is present in person.
2. After putting some questions, this Court is satisfied that the man who is present before this Court is the informant.
3. 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.
4. Perused the case diary provided by the learned counsel for the State in connection with crime No.72/2018 registered at Police Station – Dongaripali District Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376, 506 of the Indian Penal Code and 4, 6 of the POCSO Act, 2012.
5. Case of the prosecution, in brief is that on 11.12.2018 prosecutrix was below 16 years of age. She is resident of village Amapali. There was a love affair between her and applicant. They were inclined to marry. Applicant took her by enticing and committed sexual intercourse with her.
6. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, he further submitted that prosecutrix has not stated regarding sexual intercourse against applicant in her statement recorded u/s 161 Cr.P.C., she had stated regarding sexual intercourse in her statement recorded u/s 164 Cr.P.C. due to after thought, therefore, he shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
8. The informant submitted that he has objection in releasing the applicant on bail.
9. 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 offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE