

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1725 of 2019**

- Lakki Mistri @ Lachchh Kumar Nonia S/o Laxmi Prasad Nonia Aged About 21 Years R/o Village Kharoud, Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh ----- **Applicant**

Versus

- State Of Chhattisgarh Through The Police Of Police Station Amleshwar, District Durg Chhattisgarh ----- **Respondent**

For applicant Mr. Tarun Dansena, Adv.
For Respondent/State Mr. Vinod Tekam, PL.

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

1. Allegedly informant Kumari Bai Pardhi/ mother of the prosecutrix is present. After putting some question, this Court is satisfied that the person present is the informant Kumari Bai Pardhi.
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. 63/2018 registered in police station Amleshwar, Distt. Durg (CG) for offence punishable under Section 363, 366 and 376 of the IPC and Section 4, 5 (a)/6 of POCSO Act.
4. Perused the case diary.
5. Prosecution story in brief is that on 7-7-2018 prosecutrix was below 14 years of age. She is resident of village Sankhra. On 7-7-2018 applicant took her by enticing and committed repeatedly sexual intercourse with her.
6. Counsel for the applicant argued that the applicant is innocent and falsely implicated. He further submits that medical evidence and RFSL report do not support the prosecution case. Thus he may be released on bail.
7. On the other hand, the State Counsel opposed the bail application.
8. The informant opposed the bail application.
9. Looking to the facts and circumstances of the case, looking to the age of the prosecutrix at the time of incident i.e. 14 years, and 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.
10. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge