

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2005 of 2019**

- Raju @ Nanhu Korva S/o Roopsai @ Jangal Korva Aged About 21 Years R/o Majapara, Kapatbahari, Police Station- Sitapur, District- Surguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Sitapur, District- Surguja, Chhattisgarh

---- Respondent

For applicant	Mr. Kunal Das, Adv. on behalf of Mr. Jitendra Shrivastava, Adv.
For Respondent/State	Mr. Wasim Miyan, PL

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14-5-2019**

1. Allegedly Sukhlal Minj, informant who is father of the prosecutrix is present in person. After putting some questions, this Court is satisfied that he himself is informant.
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. 178/2018 registered in police station Sitapur, Distt. Surguja (CG) for offence punishable under Section and Section 363, 366, 376(2)([b](#)) of the IPC and Section 5([a](#))/6 of POCSO Act.
4. Prosecution story in brief is that on the date of incident the prosecutrix was below 16 years of age. There was love affair between her and the applicant. On 21-11-2018 onwards, he committed repeatedly sexual intercourse with her on pretext of marriage.
5. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail. He further submits that FIR is delayed by 3 days. The prosecutrix is a consenting party.
6. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
7. Informant opposed the bail application.
8. Looking to the facts and circumstances of the case, looking to the age of the prosecutrix at the time of incident and the impact of granting bail on the society , this Court is not inclined to grant bail to the applicant.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge