

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1769 of 2019**

- Arvind Bandhe S/o Mohanlal Bandhe Aged About 24 Years R/o Village Baigatola Ward No. 7, Police Station Somni, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Staion Somni Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. S.S. Baghel, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

26.04.2019

1. The informant Rajni Bai Deshlahre is absent though notice has been served to her.
2. 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.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 47/2018 registered at Police Station – Somni District – Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376(2) of the Indian Penal Code and Section 4 of the POCSO Act.
4. Case of the prosecution, in brief is that on 02.04.2018 prosecutrix was below 16 years old. She is resident of village Baigatola, Somni. There was a love affair between her and applicant. On 02.04.2018, she had gone in his house where applicant committed sexual intercourse with her on pretext of marriage.
5. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, prosecutrix was the consenting party, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
7. 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE