

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1757 of 2019**

- Subodh Singh S/o Nand Lal Singh Aged About 26 Years R/o Ward No.15, Village Jaipal Tola, Post Bara Jairam, Police Station Chiraiya, District Motihari Champaran (Purvi) Bihar., District : Motihari, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant	: Shri T.K. Jha, Advocate.
For Non-applicant	: Shri SRJ Jaiswal, Panel Lawyer
For informant	: Shri Avinash Chand Sahu, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.04.2019**

1. 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.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 84/2017 registered at Police Station – Patan, District – Durg (C.G.) for the offence punishable under Sections 363, 366, 376, 34 of the Indian Penal Code and Section 5(२) and 6 of the POCSO Act.
3. Case of the prosecution, in brief is that on 28.05.2017 prosecutrix was below 15 years of age, she is resident of village Saloni. On 28.05.2017 coaccused Indra Kumar took her by enticing on pretext of marriage. He committed sexual intercourse with her at Gujrat. Thereafter, applicant committed repeatedly sexual intercourse with her on pretext of marriage.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. Counsel for the informant/objector submits that he has objection on releasing the applicant on bail.
7. Looking to the facts and circumstances of the case, looking to the fact that at the time of alleged incident prosecutrix was below 15 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