

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1822 of 2019**

Kapil @ Jitendra Kosle S/o Suresh Kosle Aged About 20 Years R/o Ward No. 07 Minibasti Jarhabhata, Police Station Civil Line, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Chowki Maro, Police Station Nandghat, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sanjeev Kumar Sahu, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer
for the informant	:	Shri Vinit Pandey, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**10/04/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.123/2018 registered at Police Chowki Maro, P.S. Nandghat, District Bemetara (C.G.) for the offence punishable under Sections 363, 366 (A), 376 of IPC and under Section 5(L), 6 of the POCSO Act.
3. Case of the prosecution, in brief is that on 23/03/2018 prosecutrix was below 16 years of age. She is resident of village Jhilga. There was love affair between her and applicant. She had phoned applicant that he came and took her. She had gone along with him at Pune. In the temple they exchanged the garlands. There was the physical relationship between them.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the informant had no objection to grant bail to the applicant.

7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that at the time of alleged first incident prosecutrix has below 16 years of age, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde