

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1922 of 2019**

Sunil Tandi S/o Late Basant Tandi Aged About 24 Years R/o New Rajendra Nagar, Gali No. 2, Near House Of Birbal Policewala, House Nahar Para Police Station Civil Line Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Officer In Charge Police Station Civil Line Raiur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Badruddin Khan, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**02/05/2019**

1. Allegedly informant Smt. Katika Markam present. After putting some questions this Court is satisfied that woman who is present in the Court is the informant-mother of the prosecutrix.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. The applicant has been arrested in connection with Crime No.684/2018 registered in Police Station Civil Line, Raipur, District Raipur (C.G.) for the offence punishable under Section 363, 366(क) , 376 of IPC and Secion 4, 06 of the POCSO Act.
4. Case of the prosecution, in brief is that on 08/11/2018 prosecutrix was below 15 years of age. She is resident of Rajendra Nagar, Raipur. There was the love affair between her and applicant. On 08/11/2018 he took her by enticing on pretext of marriage in his house. He committed forcible sexual intercourse with her.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. Counsel for the State submits that there is no antecedents of the applicant is reported in police case diary.
7. Informant Smt. Katika Markam submitted that she has the objection on releasing the applicant on bail.
8. Counsel for the applicant further submitted that as per the statement of the

prosecutrix recorded under Section 161 of CrPC applicant allegedly open the lock of the house demanding key from some other person, in his house his mother and brother were sleeping, thus it is clear that case is fabricated. He further submitted that medical evidence does not support the prosecution case.

9. The aforesaid circumstances raised by the counsel for the applicant are the subject matter of the scrutiny of evidence. It is well settled legal principle that while dealing with the bail application Court neither scrutinize nor appreciate the evidence, at this stage Court cannot touch the merits and demerits of the case.
10. Looking to the above facts and circumstances of the case, looking to this fact that at the time of alleged incident prosecutrix was below fifteen 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