

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1835 of 2019**

- Shri Sujeet Mandavi S/o Shri Shiv Singh Mandavi Aged About 23 Years
R/o Village - Birgaon, Police Station Jarhagaon, Mungeli District
Mungeli CG ---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Jarhagaon Mungeli District Mungeli CG ---- **Respondent**

For applicant	Mr. Ashutosh Shukla, Adv.
For non-applicant/State	Mrs. M. Asha, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****13-5-2019**

1. 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.
2. The applicant has been arrested in connection with Crime No. 106/2018 registered in police station Jarhagaon, Distt. Mungeli, (CG) for offence punishable under Section 363, 366, 376, IPC, and Section 4 and 6 of POCSO Act.
3. Prosecution story in brief is that on the date of incident the prosecutrix was below 16 years of age. She is a resident of village Birgaon. There was love affair between her and the applicant. On 23-4-2018 she asked the applicant to take her to Dongargarh for Devi Darshan. He took her to Gongargarh. He performed marriage with her by putting vermilion on her forehead. Thereafter he committed repeatedly intercourse with her.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail. He drew my attention on certified copy of the statement of the prosecutrix recorded under Section 164, Cr.P.C. which is part of bail application where it has been mentioned that applicant is her husband. He also drew my attention on true copy of the attendance register wherein the date of birth of the prosecutrix is mentioned as 19-4-2000 which is also part of the bail application.
5. 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.
6. On 2-5-2019, Informant appeared before this Court and submitted that the applicant may not be released on bail.

7. The date of birth of the prosecutrix is mentioned in the Dakhil Kharij register as 10-8-2002.
8. At this stage this Court gives waitage to the date of birth of prosecutrix mentioned in Dakhil Kharij register.
9. Looking to the above mentioned facts and circumstances of the case, looking to the fact that at the time of incident, the prosecutrix was below 16 years of age, this court is not inclined to grant bail to the applicant.
10. The application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge