

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2193 of 2019**

Sumit Kahra S/o Vimal Kahra Aged About 22 Years R/o Ward No.13,
Kahrapara Janjgir, District Janjgir Champa Chhattisgarh., District :
Janjgir-Champa, Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Janjgir, District Janjgir Champa Chhattisgarh., District : Janjgir-
Champa, Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri Yogeshwar Sharma, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03/05/2019

1. Allegedly informant Smt. Anjani Devi Pandey 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 second bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court on 21/02/2019 in MCRC No. 989/2019.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.700/2018 registered at Police Station Janjgir, District Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 366 (A) of IPC and Section 11, 12, 17 of POCSO Act.
4. Case of the prosecution, in brief is that on 09/11/2018, the prosecutrix was aged about 16 years. She is resident of village Purani Basti Nanakchal, Janjgir. The prosecutrix was in contact of applicant. On 09/11/2018 at about 5 p.m., applicant called her. He was alongwith co-accused Raja @ Deepak Rathore. The applicant took her and sat her in the motorcycle by enticing on the pretext of marriage. The motorcycle was driving by co-accused Raja @ Deepak Rathore. Co-accused Raja left her and applicant at near Railway Station and he returned back.
5. Counsel for the applicant submitted that applicant is in jail since back six months. Some witnesses including prosecutrix have been examined, thus

he may be released on bail.

6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. Informant Smt. Anjani Devi Pandey submitted that she has no objection on releasing the applicant on bail.
8. In the case in hand as per the certified copy of the statement of prosecutrix she had stated against the applicant.
9. 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 alleged offence, looking to the impact of granting bail to the applicant on society, the second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde