

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2407 of 2019**

Chotu @ Afzal Ansari, S/o Gafoor Ansari, aged about 22 years, R/o Village Chhatarpur, PS Gadwa, Jharkhand, Present Address Edu Chandrasekharpur, Police Station Chhal, District Raigarh (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Incharge Officer, Police Station Chhal, District Raigarh (CG). **---- Non-applicant**

For Applicant	: Mr. Ashutosh Mishra, Advocate
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate
For Objector	: Mr. Amit Singh Chauhan, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.05.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.225/2018 registered in Police Station Chhal, District Raigarh for the offence punishable under Sections 363, 366, 506, 376 of IPC and Sections 4 & 6 of POCSO Act.
3. Case of the prosecution, in brief, is that on 23.12.2018, the prosecutrix was below 16 years of age. She is a resident of village Edu Chandrasekharpur. On 23.12.2018 the applicant took her by enticing on the pretext of marriage and committed sexual intercourse with her by given threatening that he will leave her in forest.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that there was love affair between the applicant and prosecutrix and charge-sheet has been filed and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. Counsel for the objector submitted that the applicant may not be released on bail.
7. Looking to the facts and circumstances of the case, looking to this fact that at the time of alleged incident the prosecutrix was below 16 years of age, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE