

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2632 of 2019**

- Shankar Kindo S/o Kunwar Sai Kindo Aged About 28 Years R/o Village Ulkiya Barpara, Barpara, Police Station Sitapur, District Sarguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Sarguja Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Dashrath Kushwaha, Advocate
For the State	:	Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.06.2019**

1. Allegedly Informant- Jhorsai Lakra, who is father of the prosecutrix is present in person before this court. After putting some questions, this Court is satisfied that person, who is present in the Court is informant.
2. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.33/2018 registered at Police Station-Sitapur, District- Sarguja (C.G.) for the offence punishable under Sections 363, 366, 376(2)(N) of Indian Penal Code and Section 06 of the protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 29.01.2018 prosecutrix was below 16 years of age. She is resident of village Ulkiya Barpara. She had told applicant to take her. On 29.01.2018, she had left her paternal house without intimating to anyone. They went Pune, where he had committed repeatedly sexual intercourse with her.
5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.
7. Counsel for the applicant drew my attention on the statements of the prosecutrix recorded under Section 164 CrPC wherein she had stated that she wants to marry applicant. She wants that applicant should be released from jail.
8. Informant- Jhorsai Lakra, father of the prosecutrix submits that applicant may not be released on bail.
9. Looking to the above mentioned facts and circumstances of the case, looking to this fact that on 29.01.2018, prosecutrix was below 16 years of age, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge