

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2586 of 2019**

- Ajit Kumar Nagwanshi S/o Birbal Nagwanshi Aged About 22 Years R/o Village - Kilkila, Bija Goda, Police Station Lailunga, District Raigarh, Civil And Revenue District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Office In Charge Police Station Lailunga, District Raigarh Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Ashutosh Mishra, Advocate
For the State	:	Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17.06.2019**

1. Allegedly Informant- prosecutrix present in person before this court after putting some questions this Court has satisfied that person who is present in the Court, is informant herself.
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.41/2019 registered at Police Station- Lailunga, District- Raigarh (C.G.) for the offence punishable under Section 376 of Indian Penal Code and 4, 6 of Prevention of Children from Sexual Offences Act.
4. Case of the prosecution, in brief is that in the month of August 2018 prosecutrix was below 16 years of age. She is resident of village Kilkila Farsakani. In August 2018 onwards applicant committed repeatedly sexual intercourse with her by enticing on pretext of the marriage.
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 shall 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 further submits that FIR is delayed. Applicant has not relation with the prosecutrix thus, applicant may be released on bail.
8. Informant submits that bail should not be granted to the applicant.
9. Looking to the above mentioned facts and circumstances of the case, looking to this fact that in the month of August 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge