

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2615 of 2019**

Manish Verma, S/o late Shri Mahesh Verma, aged about 22 years, R/o Borsi,
P.S. Berla, District Bemetara (CG).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, District Durg (CG).

---- Non-applicant

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Non-applicant : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29.04.2019**

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.478/2018 registered in Police Station Dharsiwa, District Raipur for the offence punishable under Sections 376, 363, 366 of IPC and Sections 4 & 6 of POCSO Act.
3. Case of the prosecution, in brief, is that on 05.11.2018 the prosecutrix was more than 17 years of age. She is resident of village Teeraiya. On 05.11.2018 in the night, the applicant took her by pressing her mouth and performed the marriage with her. He committed repeatedly sexual intercourse with her.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case 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 submits that previously no criminal antecedent is reported against the applicant in police case diary.
6. As per enclosed photocopy of statement of prosecutrix recorded under Section 164 of CrPC, she had left her paternal house along with clothes. She and applicant performed the marriage in the Temple at Dongargarh. He was already married man and he concealed this fact to her.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that the applicant, who was already married man even if he committed repeatedly sexual intercourse with her, 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