

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2906 of 2019**

Bhakoli Ram @ Suraj S/o Shri Gangaram Satnami Aged About 35 Years R/o Village- Koskatti, Police Station- Takhatpur, District- Bilaspur, Chhattisgarh. ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Jarhagaon, District- Mungeli, Chhattisgarh. ---- **Respondent**

|                               |                                   |
|-------------------------------|-----------------------------------|
| For the Applicant             | Shri Dharendra Pandey, Advocate   |
| For the State                 | Shri SRJ Jaiswal, Panel Lawyer    |
| For the Complainant/informant | Shri Ajay Kumar Chandra, Advocate |

**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****18/06/2019**

1. Informant Smt. Titari Bai present with her Advocate.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.14/2019 registered at Police Station Jarhagaon, District Mungeli (C.G.) for the offence punishable under Sections 363, 366, 376 (2)(6) of IPC & 4,6,5 of POCSO Act.
4. Case of the prosecution, in brief is that on 16/01/2019 prosecutrix was below 16 years of age. She is resident of village Daukapa. There was love affair between her and applicant. On 16/01/2019 they eloped. Applicant committed repeatedly sexual intercourse with her. They lived like husband and wife.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, 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. Counsel for the informant submitted that bail may not be granted to the applicant.
8. Counsel for the applicant further submitted that applicant and prosecutrix lived like husband and wife and in this circumstances it is sufficient to release the applicant on bail.
9. Looking to the above mentioned facts and circumstances of the case, looking to this fact that on 16/01/2019 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 present bail application is rejected.

Sd/-  
(Sharad Kumar Gupta)  
Judge