

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2801 of 2019**

- Parmeshwar Chandravanshi S/o Lillhar Chandravanshi, Aged About 20 Years R/o Aalikhuta, Thana - Tumdibod, District Rajnandgaon CG

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station - Balod, District Balod CG

---- Respondent

For applicant	Mr. Sameer Singh, Adv.
For non-applicant/State	Mr. Ishan Verma, PL.
For informant	Mr. Prasoon Agrawal, Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****13-5-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 70/2019 registered in police station Balod, Distt. Balod (CG) for offence punishable under Section 363, 366, 376 of IPC, and Section 4, 5(L) and 6 of POCSO Act.
3. Prosecution story in brief is that on the date of incident the prosecutrix was below 16 years of age. She is a resident of village Matiya. There was love affair between her and the applicant. On 9-2-2019, the applicant took her to Hyderabad. He committed sexual intercourse with her on pretext of marriage.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail. As per report of the radiologist age of the prosecutrix was 15 to 17 years. He drew my attention on the report of radiologist.
5. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
6. Counsel for informant opposed the bail application.
7. At this stage, prima facie it cannot be said that prosecutrix was not below 16 years of age at the time of incident.
8. Looking to the above mentioned facts and circumstances of the case, looking to the age of the prosecutrix at the time of incident and the seriousness of the offence, this Court is not inclined to grant bail to the applicant.
9. The application is rejected.

Sd/-**(Sharad Kumar Gupta)****Judge**