

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2807 of 2019**

Sonu @ Radhey Sahu, son of late Panchu Sahu, aged about 23 years, R/o Infront of Shradha Ashram, Sima Nagar, Telibandha, Police Station Telibandha, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Telibandha, Civil and Revenue District Raipur (CG). **---- Non-applicant**

For Applicant	: Ms. Sunita Sahu, Advocate
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.06.2019

1. Informant Jairam Soni, the father of the prosecutrix is absent, though notice has been served upon him.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
3. Perused the case diary provided by the counsel for the State in connection with Crime No.75/2019 registered in Police Station Telibandha, Civil and Revenue District Raipur for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act.
4. Case of the prosecution, in brief, is that on 07.02.2019 the age of the prosecutrix was below 15 years. On 07.02.2019 the applicant took her by enticing and committed repeatedly sexual intercourse with her.
5. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the present case. There was love affair between the applicant and prosecutrix. She had gone with the applicant on her own will and as such the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
7. Looking to the facts and circumstances of the case and looking to this fact that at the time of alleged incident the prosecutrix was below 15 years of age, looking to 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