

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3118 of 2019**

Ashish Khes S/o Manhar Khes Aged About 20 Years Occupation
Student R/o Village Rajouti Barpara, Police Station Sitapur District
Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Sitapur, District
Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Nishikant Sinha, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**17/06/2019**

1. Informant Dhaneshwar Ram, who is father of the prosecutrix absent, though notice has been served upon him.
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.192/2018 registered at Police Station Sitapur, District Surguja (C.G.) for the offence punishable under Section 363, 366, 376, 506, 114 of IPC & 5 L/6, 17 of POCSO Act.
4. Case of the prosecution, in brief is that on 14/05/2017 prosecutrix was below 14 years of age. She is resident of village Rajouti. On 14/05/2017 applicant took her forcibly and committed sexual intercourse with her gave threats to kill her.
5. Counsel for the applicant submits that he is innocent and falsely implicated in the present case. He further submitted that prosecutrix had lived in the house of applicant for 1½ years, thus, 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. Looking to the above mentioned facts and circumstances of the case, looking to this fact that on 14/05/2017 prosecutrix was below 14 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