

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3271 of 2019**

- Hemant Kurrey S/o Shri Dhebalal Aged About 18 Years R/o Village Kuraili, Post Sagar, P.S. Hirri, Tahsil Takhatpur, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Hirri, Civil And Revenue District-Bilaspur, Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Purendra Khichariya, Advocate
For the State	:	Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18.06.2019**

1. Allegedly Informant- Santoshi Devi is mother of the prosecutrix present in person before this court. After putting some questions, this Court has satisfied that person who is present in the Court, is informant Santoshi Devi.
2. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.41/2019 registered at Police Station- Hirri, District- Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376, 342 of Indian Penal Code and Section 5(ā)/6 of the Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 10/09-21/02/2019 prosecutrix was below 15 years of age. She is resident of village Kuraili. On 21.02.2019 applicant took her by pulling in his house and committed sexual intercourse with her saying that he will marry her.
5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case and he further submits that there was love affair between her and applicant, prosecutrix was 19 years old. Applicant is in jail since 4 months, charge sheet has been filed. Thus, applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.
7. Informant- Santoshi Devi submits that he has no objection in releasing the applicant on bail.
8. Looking to the above mentioned facts and circumstances of the case, looking to this fact that on 21.02.2019 prosecutrix was below 15 years of age, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

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

Parul