

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4067 of 2019**

- Rakesh Chudihaar @ Rakesh Patwa S/o Nemlal Aged About 26 Years R/o Mahamaya Para, Jhilmili, Police Station Jhilmili, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through, Station House Officer, Jhilmili, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Surfraj Khan, Advocate.
For Non-applicant	: Shri Praveen Shrivastava, Panel Lawyer
For informant	: Shri Pramod Shrivastava, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

23.08.2019

1. This is 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.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 141/2018 registered at Police Station – Jhilmili District – Surajpur (C.G.) for the offence punishable under Sections 363, 376 of the Indian Penal Code and Section 4 of the POSCO Act.
3. Case of the prosecution, in brief is that on 29.09.2018 prosecutrix was below 14 years of age. She is resident of village Mohli Barpara, Bhaiyathan. She and applicant know each other. On 29.09.2018 he took her by enticing to roam at Maihar. In the temple at Maihar he performed marriage by putting vermilion on her forehead. He committed repeatedly sexual intercourse with her.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, he further submitted that there was love affair between applicant and prosecutrix, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application,

however, submits that there is no antecedent against the applicant.

6. The Counsel for the informant Shri Mahesh Agariya submitted that he has no objection on releasing the applicant on bail.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact at the time of alleged incident the prosecutrix was below 14 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

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