

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4694 of 2019**

- Rupesh Pardhi S/o Jagatram Pardhi Aged About 21 Years R/o Village Kouvajhar, Police Station Tumgaon, Tahsil Mahasamund Civil And Revenue District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tumgaon, Civil And Revenue District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Kripesh G. Kela, Advocate.
For Non-applicant	: Shri Vaibhav K. Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.09.2019

1. The alleged informant Mannulal Dhruv is present.
2. After putting some questions, this Court is satisfied that the person who is present before this Court is the informant.
3. 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.
4. Perused the case diary provided by the learned counsel for the State in connection with crime No. 82/2019 registered at Police Station – Tumgaon District – Mahasamund (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4,6 of the POSCO Act.
5. Case of the prosecution, in brief is that in the year 2017 the prosecutrix was below 16 years of age, her date of birth is 20.10.2001. There was a love affair between her and applicant. In year 2017 and onwards he committed repeatedly sexual intercourse with her on pretext of marriage. On 21.04.2019 she called applicant by telephone, they went to Raipur. They wanted to perform marriage. He committed sexual intercourse with her on her consent.

6. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, he has been falsely implicated in the present case, he further submitted that prosecutrix is consenting party, he drew my attention on the statement of the prosecutrix recorded under Section 164 Cr.P.C., he submitted that date of birth of the prosecutrix 20.10.2001 is not confirmed, therefore, he shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
8. The informant Mannulal Dhruv submitted that applicant may not be released on bail.
9. Prima facie at this stage it appears that the date of birth of the prosecutrix is 20.10.2001 and she was below 16 years of age.
10. Looking to the above mentioned facts and circumstances of the case, looking to this fact that in year 2017 prosecutrix was below 16 years of age, looking to the material available on record against the applicant, looking to the gravity of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to release the applicant on bail, consequently, the present bail application is rejected.
11. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE