

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9573 of 2018**

- Sawan Sandey S/o Pradeep Sandey , Aged About 19 Years R/o Bapu Nagar Police Station Kotwali, Raigarh, tahsil And District Raigarh CG

**---- Applicant****Versus**

- State Of Chhattisgarh Through Thana In-Charge City Kotwali, district Raigarh CG

**---- Respondent**


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| For applicant        | Mr. Rajendra Tripathi, Adv. |
| For Respondent/State | Mr. Vinod Tekam, PL.        |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****14-1-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 1115/2018 registered in police station City Kotwali, Distt. Raigarh (CG) for offence punishable under Section 376 of IPC and Section 4 and 6 of the POCSO Act.
3. Perused the case diary.
4. Prosecution story in brief is that on 1-1-2017 prosecutrix was below 15 years of age. She is resident of Railway Banglapara, Raigarh. There was love affair between her and the applicant. He committed repeated sexual intercourse with her.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated. He is inclined to marry the prosecutrix, hence he may be released on bail.
6. On the other hand, the State Counsel opposed the bail application. However, he submits that no criminal antecedent is reported in the case diary against the applicant.

7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and the prosecutrix was below 15 years of age at the time of incident, also the impact of granting bail on the society , this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

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