

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6021 of 2019**

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

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Hirri, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Amit Kumar, Advocate
For the State	:	Shri Suyash Dhar, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**03/02/2020**

1. This is the second bail application under Section 439 of the CrPC. Earlier his first bail application was rejected by this Court vide order dated 18/06/2019 passed in MCRC No. 3271/2019 considering *prima facie* case against him.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.41/2019 registered at Police Station Hirri, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376, 342 of IPC and Section 5(3)/6 of POCSO Act.
3. On 09/01/2020 informant Smt. Santoshi Singh was appeared before this Court and she had submitted that she has no objection if the applicant may be released on bail.
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. Counsel for the applicant submitted that matter has been compromised, applicant and prosecutrix are going to marry. Informant Smt. Santoshi Singh has expressed that she has no objection on

releasing applicant on bail, hence applicant 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 has been reported against the applicant in the police case diary.
7. Though allegedly matter has been compromised, informant Smt. Santoshi Singh has no objection, but looking to the facts and circumstances of the case, looking to this fact that at the time of alleged incident prosecutrix was below 15 years of age, looking to seriousness of the offence, impact of granting bail to accused on society, this Court finds that this is not a fit case where applicant may release on bail in second round of litigation. Consequently, second bail application of the applicant is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

Kamde