

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7162 of 2019**

- Kamlesh Sahu S/o Manohar Sahu Aged About 19 Years R/o Krishna Nagar, Police Chowki Manikpur, Tahsil And District (Revenue And Civil) Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kotwali, District (Revenue And Civil) Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant : Shri Anand Kesharwani, Advocate.

For Non-applicant : Shri Dinesh Kumar Tiwari, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07.01.2020**

1. The alleged informant Shri Raghuvar Prasad Sahu 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 second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
4. Earlier, the first bail application of the applicant has been rejected by this Court on 26.06.2019 in MCRC No. 3180 of 2019 considering the prima facie case against him.
5. Perused the case diary provided by the learned counsel for the State in connection with Crime No.68/2019 registered at Police Station- Kotwali, District- (Revenue & Civil)- Korba (C.G.) for the offence punishable under Sections 363, 366 of Indian Penal Code.
6. Case of the prosecution, in brief is that on 21.01.2019, prosecutrix was below 15 years of age. She is resident of village Murapar. On 21.01.2019, applicant took her by enticing at Jammu.
7. Counsel for the applicant submits that applicant is in jail since 13.02.2019, prosecutrix had gone along with the applicant voluntarily, thus, he may be

released on bail. He drew my attention on para 13, 14 and 15 of the certified copy of the statement of P.W.1 the prosecutrix which is part of the bail application.

8. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no criminal antecedent against the applicant.
9. The informant Shri Raghuvar Prasad Sahu submitted that applicant may be released on bail.
10. As per the para 2 of the statement of the prosecutrix she had stated against the applicant.
11. This is true that the detention period of the accused is relevant factors but equally it is also true that seriousness of the offence, impact of granting bail on society are more relevant and material factors.
12. Looking to the facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may be enlarged on bail in second round of litigation, consequently, the present bail application is rejected.
13. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE