

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8229 of 2019**

Sujeet Singh Mandavi S/o Shiv Singh Mandavi Aged About 23 Years
R/o- Village Birgaon, P.S. Jarhagaon, Mungeli, District Mungeli,
Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Jarhagaon Mungeli, District Mungeli, Chhattisgarh., District : Mungeli,
Chhattisgarh

---- Respondent

For the Applicant	:	Shri Ashutosh Shukla, Advocate
For the State	:	Ms. Deepti Shukla, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**02/01/2020**

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 13/05/2019 passed in MCRC No. 1835/2019 considering *prima facie* case against him.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.106/2018 registered at Police Station Jarhagaon, District Mungeli (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.
3. Case of the prosecution, in brief is that on the date of incident the prosecutrix was below 16 years of age. She is a resident of village Birgaon. There was love affair between her and the applicant. On 23/04/2018 she asked the applicant to take her to Dongargarh for Devi Darshan. He took her to Gongargarh. He performed marriage with her by putting vermilion on her forehead. Thereafter he committed repeatedly intercourse with her.
4. Counsel for the applicant submitted that applicant is in jail more than one year and three months. Prosecutrix had stated in her statement given in the Court that at the time of alleged incident she was 19 years old. He drew my attention on para 1 of the photocopy of the statement of PW-1 prosecutrix. In these circumstances applicant may be

released on bail.

5. On the other hand, counsel for the State opposes the bail application. She further submits that no criminal antecedents against the applicant is reported in the police case diary.
6. Date of birth of the prosecutrix is mentioned in Dakhil Kharij register as 10/08/2002.
7. This is well settled legal position that while dealing the bail application Court can neither scrutinize nor appreciate the evidence. This is also well settled legal position that detention period of the accused is a material factor but it is also true that seriousness of the offence and impact of granting bail to the accused on society are more important and material factors.
8. Looking to the above mentioned facts and circumstances of the case, 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