

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3384 of 2015**

- Pushpendra Sharma @ Pintu S/o Satyaprakash Sharma @ Natthu Sharma Aged About 24 years R/o Village Chhapkauli, Police Station Babugarh, Chhawni, Rev. and Civil Distt. Hapud (U.P.).

---- Applicant

Versus

- State Of Chhattisgarh, Through: Police Station: Gudiyari, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant: Shri Pushpendra Kumar Patel, Advocate.
 For Non-applicant/State: Shri Suvigya Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****20/07/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 41/2014 registered at Police Station Police Station : Gudiyari, District: Raipur for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 10 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that, applicant is alleged to have kidnapped minor prosecutrix, aged about 16 years, and committed sexual intercourse with her against her will and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the offence in question as there is love affair between the applicant and the prosecutrix; applicant is languishing in jail since 27.03.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; looking to the nature & gravity of the offence, particularly, the age of the prosecutrix, who is said to be minor on the date of offence; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-