

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3379 of 2015**

Hira Singh Kaushal, S/o. Shri Ganeshram Kaushal, aged about 30 years, R/o. Village Gidhawa, P.S. Nandghat, District Bemetara, Civil and Revenue District Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the District Magistrate Bemetara, District Bemetara (C.G.)

---- Non-applicant

For Applicant : Shri Suresh Kumar Verma, Advocate

For Non-applicant : Shri Qamrul Aziz, Panel Lawyer for the State.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

07/07/2015

Heard.

(1) This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 15.10.2014 in connection with Crime No.121/2013 registered at Police Station Nandghat, District Bemetara, for the offence punishable under Sections 363, 366, 376 & 411 of the I.P.C. and Sections 5(L) & 6 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that the applicant abducted prosecutrix (minor) and committed sexual intercourse with her and,

thereby, committed the aforesaid offences.

(3) Learned counsel appearing for the applicant submits that now the statement of prosecutrix and her father & mother have already been recorded before the trial Court and they have not supported the case of prosecution and the charge-sheet has already been filed. He would further submit that applicant is in jail since 15.10.14 and, as such, the applicant may be released on bail.

(4) On the other hand, learned counsel appearing for the State submits that the prosecutrix was minor on the date of offence i.e. 16 years and she has clearly supported the case of prosecution in her statement in para 1 & 3 and therefore, the applicant is not entitled for regular bail.

(5) I have heard learned counsel appearing for the parties and perused the case diary.

(6) Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, material and evidence available on record and the age of the prosecutrix on the date of offence i.e. 16 years and statement of prosecutrix recorded before the trial Court, this Court is not inclined to release the applicant on regular bail.

(7) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-