

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3362 OF 2015**

Anil Jaiswal S/o Bhagwat Jaiswal, aged about 26 years, resident of Village Dongariya, P.S. Lormi, Dist. Mungeli (C.G.)

---Applicant

Versus

State of Chhattisgarh, through the Police Lormi, Mungeli.

---Non-applicant

For Applicant	:	Mr. Raza Ali, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**20/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 196/2010, registered at Police Station Lormi, Mungeli, for the offence punishable under Sections 376, 506(b) of I.P.C. and Section 3(2)(5) of Atrocities Act.

2. Case of the prosecution, in brief, is that, applicant is alleged to have committed sexual intercourse with the prosecutrix (minor) knowing fully well that she is member of scheduled tribe.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that there was delay of six months in lodging of First Information Report and trial Court has not framed charge under Section 506 Part-II of the I.P.C. He would further submit that there is no explanation of delay and there is delay in trial as prosecutrix has not examined. He would

lastly submit that charge sheet has been filed and applicant is in jail since 07/05/2014, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that prosecutrix is minor and tribal girl aged about 14 years with whom applicant has committed sexual intercourse.

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; further taking into consideration the nature and gravity of offence; and the fact that prosecutrix is aged about 14 years on the date of offence, this Court is not inclined to release the applicant on regular bail.

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

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE