

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3618 of 2015**

- Yashwant @ S.@ Nikki (Wrongly mentioned in the rejection order as Vikki), Son of Kuleshwar Prasad Awasiya (Bhoi), Aged about 26 years, R/o Bhanshpara, Durg, P.S. City Kotwali, Civil & Revenue District Durg (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer Durg, District Durg (C.G.)

---- Respondent

For Applicant:	Shri Jitendra Gupta, Advocate.
For Respondent/State:	Ms. Madhu Nisha Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/08/2015**

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.324/2015 registered at Police Station – Durg, District Durg for the offences punishable under Sections 363, 366, 342, 376 & 506 of the Indian Penal Code and Section 4 of the PASCO Act.

(2) Case of the prosecution, in brief, is that applicant kidnapped the minor prosecutrix and committed sexual intercourse with her against her will and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that the prosecutrix, in her statement recorded under Section 164 CrPC recorded on 12.5.2015,

has not supported the prosecution case. He further submits that the applicant is in jail since 24.04.2015; 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, relying on 161 statement of the prosecutrix recorded on 23.04.2015, would submit that she is minor girl and she is fully supported the case of the prosecution and, therefore, the applicant may be released on bail.

(5) Taking into consideration the facts & circumstances of the case and the manner in which applicant is said to have kidnapped and committed sexual intercourse with 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/-