

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4000 of 2015**

Ashok @ Dablu Sahu, aged about 21 years, S/o Shri Syam Lal Sahu, R/o Village Thakur Deva, Police Station Masturi, District Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station Bhatapara (Sahar), District Balodabazar Bhatapara (C.G.)

---- Non-applicant

For Applicant : Shri Pawan Kesharwani, Advocate

For Non-applicant : Shri Lav Sharma, Panel Lawyer for the State.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/08/2015**

(1) Heard.

(2) This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 04.04.2015 in connection with Crime No.83/2015 registered at Police Station Bhatapara (Sahar), District Balodabazar Bhatapara, for the offence punishable under Sections 363, 366, 376 of the I.P.C., Section 3(1)(xii) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 4 & 17 of the Protection of Children from Sexual Offences Act, 2012.

(3) Case of the prosecution, in brief, is that the applicant has allegedly abducted the prosecutrix, aged about 16 years 09 months (minor) and took her to Lucknow (Uttar Pradesh) and thereafter, committed forcible sexual intercourse with her and, thereby, committed the aforesaid offences.

(4) Learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not committed any offence. As per ossification test age of the prosecutrix is above 18 years and father of the prosecutrix himself has also recorded her age in the missing report as 19 years and she is major and consenting party and in fact, the applicant and the prosecutrix lived together as husband and wife. He further submits that the applicant is in jail since 04.04.2015, charge-sheet has already been filed and no useful purpose will be served by keeping him in jail and, as such, the applicant may be released on bail.

(5) 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 9 months and the applicant took her to various places and promised her to marry her and committed forcible sexual intercourse with her by which she became pregnant therefore, the applicant is not entitled for grant of bail.

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

(7) Taking into consideration the facts & circumstances of the case; nature and gravity of the offence and the manner in which the

applicant has allegedly committed forcible sexual intercourse with the prosecutrix, who was a minor girl on the date of offence by which she became pregnant, I am not inclined to release the applicant on regular bail. Therefore, the instant bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-