

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4171 of 2015**

Vinod Kumar S/o Ramratan, aged about 23 years, by caste-Kenwat, R/o Fulwaripara, P.S.-Pali, Civil & Revenue Distt.Korba (CG)

---Applicant**Versus**

State of Chhattisgarh, through, Station House Officer, Police Station-Ajak, Distt.Korba (CG)

---Non-applicant

For Applicant	:	Mr. Awadh Tripathi with Mr. Wasim Miyan, Advocate
For-Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/08/2015**

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.02/2015 registered at Police Station-Ajak, Distt.Korba (C.G.), for the offence punishable under Sections 363 & 366 of the IPC, Section 3 (1) (x) of the SC/ST (Prevention of Atrocities) Act and Sections 3 & 4 of the Pasco Act.

2. Case of the prosecution, in brief, is that, the applicant is alleged to have kidnapped the minor Scheduled Tribe prosecutrix and compelled her to marry against her will and thereby committed the aforesaid offence.

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 is no allegation of Section 376 of the IPC against the present applicant, the prosecutrix was consenting party, the

applicant is in jail since 24.6.2015 and charge-sheet has already been filed, therefore, he may be released on regular bail.

4. On the other hand, learned State counsel would oppose the bail application and submit that from 161 statement of the prosecutrix it is evident that the applicant has committed sexual intercourse with the prosecutrix and as such, he is not entitled to be released on 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; further taking into consideration the nature and gravity of offence; the manner in which the applicant alleged to have kidnapped and subjected to her sexual intercourse, 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

B/-