

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4292 OF 2015**

Krishna Kumar Sahu S/o Shri Vishanu Prasad Sahu, aged about 21 years,
r/o Village Parsada, Police Station Kharora, Teh. & Civil & Revenue dist.
Raipur (C.G.)

---Applicant

Versus

State of Chhattisgarh, through, Police Station Kharora, Civil & Revenue Dist.
Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. Akhilesh Kumar, Advocate.
For-Non-applicant	:	Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/08/2015**

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. 155/2015 registered at Police Station Kharora, Civil & Revenue Dist. Raipur (C.G.), for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code & Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, applicant alleged to have kidnapped minor prosecutrix and committed forcible sexual intercourse with her and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that prosecutrix is major and consenting

party and as such, applicant has already married with the prosecutrix. He would lastly submit that charge sheet has been filed and applicant is in jail since 08/06/2015, therefore he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that prosecutrix was minor on the date of offence.

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 manner in which minor prosecutrix is said to have been kidnapped and subjected to forcible intercourse by the applicant, 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