

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4612 of 2015

Satrughan Yadav, S/o Sundarlal Yadav, aged about 22 years, R/o Village Surajgad, P.S. Pussor, Distt. Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Pussor, Distt. Raigarh (C.G.)

---- Non-applicant

For Applicant: Mr. Vivek Kumar Pandey, Advocate.

For Non-applicant: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.116/2015, registered at Police Station Pussor, Distt. Raigarh, for the offence punishable under Sections 363, 366 & 376 of the IPC; and 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 3-7-2015, the applicant is alleged to have abducted the minor prosecutrix and committed forceful sexual intercourse with her, and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. The prosecutrix has not supported the case of the prosecution in her statement recorded under Section 164 of the CrPC before the Judicial Magistrate First Class and as such, the applicant has not committed any offence and he is in

jail since 6-7-2015. Charge-sheet has been filed and no custodial interrogation of the applicant is required.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offense, facts and circumstances of the case and the manner in which the minor prosecutrix is said to have been kidnapped and subjected to forceful sexual intercourse, I do not find it a fit case for grant of regular bail to the applicant. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge