

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.4615 of 2015**

Abhimanyu @ Mannu S/o Sunhar Satnami, aged about 20 years, R/o Village Bageechapara, Mulmula, Police Station-Mulmula, District (Revenue & Civil), Janjgir-Champa (CG)

---Applicant

**Versus**

State of Chhattisgarh Through: Police Station – Masturi, District (Revenue & Civil), Bilaspur (CG)

---Non-applicant

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|-------------------|---|--------------------------------------|
| For Applicant     | : | Mr. Anand Kesharwani, Advocate       |
| For Non-applicant | : | Mr. Neeraj Jain, Government Advocate |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****08/09/2015**

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.169/2014, registered at Police Station-Masturi, District-Bilaspur (C.G.), for the offence punishable under Sections 363, 366 & 376 of the IPC and Section 4 of the POCSO Act.
2. Case of the prosecution, in brief, is that the applicant abducted the minor prosecutrix and thereafter committed forcefully sexual intercourse with her and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the statements of prosecutrix and her father have been recorded in which they have not supported the case of the

prosecution, the applicant is in jail since 13.1.2015 and the charge-sheet has already been filed, and therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel would oppose the bail application.

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, taking note of the fact that still more prosecution witnesses are yet to be examined supporting the sexual intercourse with the prosecutrix and age of the prosecutrix, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the 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/-