

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4755 of 2015**

- Ramayan, S/o. Pardeshi Nirmalkar, aged about 28 years, Occupation Rajmistri, resident of Tikrapara, P.S. City Kotwali, Civil and Revenue District Bilaspur (C.G.)

---- Applicant

**Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police Station Sarkanda, Civil and Revenue District Bilaspur (C.G.)

---- Non-applicant

---

For Applicant: Mr. K.M. Ansari, Advocate.  
For Respondent/State: Mr. SRJ Jaiswal, Panel Lawyer

---

**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****22/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 2/2015 registered at Police Station Sarkanda, Civil & Revenue District Bilaspur for the offences punishable under Sections 375(4) & 376 of the Indian Penal Code, Section 3(1)(xii), 3(2)(v) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1969 & Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that applicant regularly committed sexual intercourse with the minor prosecutrix 1½ prior

to 16.07.2015 , who is member of Scheduled Tribe and, thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the offence in question. He further submits that according to the radiologist report, age of the prosecutrix is 16 to 18 years, she has also delivered a child on 12.8.2015 at Govt. Hospital, Bilaspur and, as such, the applicant is languishing in jail since 25.07.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case and looking to the nature & gravity of the offence, age of the prosecutrix and the manner in which the prosecutrix was subjected to forcible sexual intercourse on the pretext of marriage and the reason for delay in filing the First Information Report, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-  
(Sanjay K. Agrawal)  
Judge

D/-