

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7213 of 2015

1. Vidyasagar Mahant, S/o. Late Ghasiyadas, aged about 25 years, R/o. Bankimongra 2 Number, Police Station – Bankimongra, Civil and Revenue District – Korba (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer – , P.S. Bankimongra, District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. Nitesh Shrivastava, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

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.71/2015, registered at Police Station – Bankimongra, District – Korba (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 3 (1) (X11), 3 (2) (V) Scheduled Caste and Scheduled Tribe & Section 4 PASCO Act.
2. Case of the prosecution, in brief is that, a report was made by one Santosh Kumar, the father of the minor girl that her girl was missing, thereafter, the girl was recovered from Ahmadabad on 21.07.2015 and on enquiry, it was found that on the pretext of marriage, the applicant enticed the minor girl and took her to Bawla, Ahmadabad and she was sexually exploited.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the girl was recovered at Ahmadabad not from the possession of the applicant and the applicant was arrested on 24.07.2015 from Bankimongara, Korba. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 24.07.2015, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the statement of the girl/victim, wherein positive statement has been made that on the pretext of marriage, the applicant committed sexual intercourse. Taking into the statement of the victim, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge