

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6699 2015

1. Ugan Ram Chouhan, S/o. Santosh Ram Chouhan, aged about 24 years, Caste-Chik, R/o. Village Katangkhar, Tahsil, Thana – Kansabel, District – Jashpur (C.G.), Civil and Revenue District – Jashpur, District – Jashpur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Kunkuri, District – Jashpur (C.G.)

---- Respondent

For Applicant	: Mr. Manoj Chauhan, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

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.07/2015, registered at Police Station – Kunkuri, District – Jashpur (C.G.) for the offence punishable under Section 363, 366 & 376 of I.P.C. and Section 3 & 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made by the father of the prosecutrix that her daughter is missing, subsequently the matter on being investigated, the victim was recovered from the possession of the present applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not committed any offence. He would further submit that it is case of consent and the applicant has not enticed the prosecutrix and the prosecutrix of her

own, went alongwith the applicant and they were in love affair with each other. He would further submit that the applicant is in jail since 31.01.2015, 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 and would submit that the age of the prosecutrix is 14 years and four months and in statement under Section 161 of Cr.P.C., she has supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the statement made under Section 161 and 164 of Cr.P.C. of the prosecutrix, and taking into the age of the prosecutrix and the way the offence has been committed, I am not inclined to allow this application.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge