

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3067 of 2015**

- Salim Khan, S/o Sabbir Ahmad, aged about 27 years, R/o Podi, Camp Dafai, Police Station Podi, Civil and Revenue District Korea, District Korea (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police of Police Station – Chirmiri, District Korea (C.G.)

---- Non-Applicant

For Applicant: Shri Anil Gulati, Advocate.
 For Non-Applicant/State: Smt. Anusuiya Rajput, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/07/2015**

Heard.

(1) The accused/applicant has preferred 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. 423/2014 registered at Police Station Chirmiri, District Korea for the offences punishable under Sections 363, 366,(A), 368, 376 & 376 (2)(८)(९) read with Section 34 of Indian Penal Code and Sections 4,6,17,18,19 & 21 of Protection of Children from sexual Offences Act.

(2) Case of the prosecution, in brief, is that applicant is said to have abducted the prosecutrix on 9.10.2014 and committed sexual

intercourse with her against her will and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the crime in question, which is apparent from the statement of the prosecutrix recorded under Section 164 Cr.P.C.. He further submits that before the Division Bench of this Court, the prosecutrix has expressed her desire to live with the applicant and, as such, applicant is languishing in jail since 02.12.2014; 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 submits that Division Bench of this Court is also held that the prosecutrix was minor on the date of offence vide order dated 6.8.2014 passed in W.P. (Habeas Corpus) No.18/2014 and, therefore, the applicant is not entitled to be released on bail.

(5) Looking to the nature & gravity of the offence; further considering the age of the prosecutrix on the date of offence i.e she is below the age of 18 years as held by Division Bench of this Court vide order dated 6.8.2014; I am not inclined to release the applicant on bail. Thus, bail application is rejected.

(6) Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

