

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3300 of 2015

- Heeralal son of Chamra Yadav, aged about 29 years, r/o. Charbhantha, Police Station Bagbahra, District Mhasamund (CG).

---- Applicants

Versus

- State Of Chhattisgarh Through: the Station House Officer, Police Station Bagbahar, District Mahasamund (CG).

---- Respondent

For Applicants	:	Mr. Vikash Pradhan, Advocate.
For Respondent/State	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/7/2015

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 14-10-2014 in connection with Crime No. 24 of 2013 registered at Police Station Bagbahar, District Mahasamund (CG), for the offence punishable under Sections 363, 366 and 376 of IPC and Section 3 (1), 12 OF Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. The case of the prosecution, in brief, is that the present applicant is alleged to have committed sexual intercourse with prosecutrix (minor girl) aged about 15 years and five months against her will and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that there was delay of 45 days in lodging the first information report, charge-sheet has

been filed, the applicant is in jail since 14-10-2014 and no useful purpose would be served by detaining him in jail, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposing the bail application would submit that the age of prosecutrix was 15 years and 5 months on the date of incident and there is sufficient evidence to connect the applicant with the crime in question, therefore, he is not entitled to be released on bail.
5. I have heard the counsel appearing for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, material available on record and prosecutrix is said to be minor girl on the date of incident, I am of the considered opinion that *prima facie* it is not a fit case where the applicant can be released on bail.
7. Accordingly, the instant bail application is liable to be and is hereby rejected.

Sd/-
(Sanjay K. Agrawal)
Judge