

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.2850 of 2015

Ajay Kumar Bandhe, S/o Late Motiram Bandhe, aged about 23 years, R/o Village Bhadera, Navagaon, P.S. Ghumka, Tehsil and District Rajnandgaon (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, through Station House Officer of Police Station Khairagarh, District Rajnandgaon (C.G.)

---- Non-applicant

For Applicant:	Mr. Shailendra Dubey, Advocate.
For Non-applicant:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

CAV Order

14/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.164/2015, registered at Police Station Khairagarh, Distt. Rajnandgaon for the offence punishable under Sections 363, 366, 376 of the IPC and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 6-5-2015 the present applicant abducted the minor prosecutrix and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated. The applicant has already married the prosecutrix who is major and there is delay of two days in lodging the FIR as it was lodged on 8-5-2015. Medical evidence is not supporting the prosecution case as such, the applicant is in jail since 8-5-2015 and charge-sheet has already been filed.
4. On the other hand, learned State counsel opposes the application and

submits that the prosecutrix was minor on the date of offence as such, there cannot be consent and there cannot be valid marriage with the minor prosecutrix. Section 4 of the Protection of Children from Sexual Offences Act, 2012 has also been registered against the applicant as such, he is not entitled for grant of bail.

5. I have heard learned counsel for the parties and perused the case diary.
 6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, evidence about marriage available in the case diary, age of the prosecutrix and evidence available against the applicant regarding rape, I do not consider it a fit case for grant of bail to the applicant.
- The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge