

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3515 OF 2015**

Ishwar Verma son of Ganga Ram Verma, aged about 25 years, R/o.
Kanshitola, P.S. Gandai, District Rajnandgaon (CG)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Gandai, District
Rajnandgaon (CG)

---Non-applicant

For Applicant	:	Mr. C.B.Kesharwani, Advocate
For-Non-applicant	:	Mr.Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27/07/2015

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.5/2015, registered at Police Station Gandai, Distt.Rajnandgaon (CG), for the offence punishable under Sections 363, 366(A) & 376 of the IPC and 6 & 12 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 2.1.2015 the applicant has committed the sexual intercourse with the prosecutrix and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and has falsely been implicated in crime in question. Learned counsel would further submit that there is no medical evidence, as such, he is in jail since long time and charge-sheet has already been filed.
4. On the other hand, learned State counsel would oppose the bail application and submit that the prosecutrix was minor on the date of offence and

from the statement of the prosecutrix recorded under Section 161 of the Cr.P.C., it is quite vivid that the applicant has committed the sexual intercourse.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence, age of the prosecutrix and her statement under Section 161 of the Cr.P.C, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-