

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3316 OF 2015**

Ajay @ Jai Narayan Vaishnav, S/o Shiv Kumar, Vaishnav, aged about 37 years, R/o Village Bharritola, Dongargarh, Raipur Naka, Police Station & Post Office Dongargarh, District Rajnandgaon (C.G.)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Sihawa, District Dhamtari (C.G.)

---Non-applicant

For Applicant	:	Mr. Shivendu Pandya, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/07/2015**

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. 25/2015, registered at Police Station Sihawa, District Dhamtari (C.G.), for the offence punishable under Sections 376, 417, 393 of I.P.C. and 3(1)(12) & 3(2)(5) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that, applicant committed sexual intercourse with the prosecutrix on the pretext of marriage knowing fully well that prosecutrix is member of Scheduled Caste and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the offence in

question. He would further submit that applicant had relationship with prosecutrix for last 4-5 months and as such, she is major woman and consenting party. He would lastly submit that applicant is in jail since 22/03/2015 therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that applicant is married person and on the pretext of marriage, committed sexual intercourse with the Scheduled Caste girl.

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; material collected by the prosecution against the applicant and the manner, in which, applicant is said to have committed sexual intercourse with the prosecutrix, 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.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE