

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3663 OF 2015**

Raju @ Farid Khan son of Yusuf Khan, aged about 22 years, Caste-Muslim, resident of Mirja Malauli Gosai, Tahsil Haraiya, Police Station Chhawani, District Basti (U.P.) at present resident of Village-Lota, Police Station Bagicha, District Jashpur (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Bagicha, District Jashpur (C.G.)

---Non-applicant

For Applicant	:	Mr. J.K. Saxena, Advocate.
For-Non-applicant	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/08/2015**

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. 118/2015, registered at Police Station Bagicha, District Jashpur (C.G.), for the offence punishable under Sections 363, 366, 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, on 04/06/2015 applicant abducted victim and committed sexual intercourse with her 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 offence in question. He would further submit that victim is major and consenting party,

which is apparent from the statement of victim recorded under Section 161 of the Cr.P.C. He would further submit that no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 07/06/2015, 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 has abducted the victim from the Bus stand where she was waiting for bus to go to Lailunga.

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 statement of the victim recorded 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.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE