

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3933 of 2015**

Chatur Sahu, son of Kanhaiya Sahu, aged about 32 years,
resident of Kusmi, Police Station – Berla, District – Bemetara
(C.G.)

.... Applicant**Versus**

State Of Chhattisgarh through the Station House Officer, Police
Station Berla, District Bemetara (C.G.)

---- Respondent

For Applicant:	Ms. Sharmila Singhai, Advocate.
For Non-applicant/State:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****11/08/2015**

Heard.

(1) This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.253/2014 registered at Police Station Berla, Distt. Bemetara, for the offences punishable under Sections 363, 366(A) & 376 of the Indian Penal Code and Section 5 & 6 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution is that the applicant kidnapped the minor prosecutrix on 4.10.2014 and taken her to various places and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is major and consenting party to the act of the applicant; there is delay in lodging the First Information Report; and she has not supported the case of the prosecution in her statement recorded under Section 161 & 164 of the Cr.P.C.. She further submits that the prosecutrix lived with the applicant for more than six months without any protest and, as such, the applicant is languishing in jail since 30.3.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case and the manner in which applicant is said to have kidnapped the prosecutrix and committed sexual intercourse with her, who is said to be the minor on the date of offence; and the other material collected by the prosecution; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy as per rules.

Sd/-

(Sanjay K.Agrawal)
Judge

D/-

(Sanjay K. Agrawal)

Judge

D/-