

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3956 OF 2015**

Bhagirathi alias Bhuru, S/o Late Vishambhar Sahu, aged about 20 years, R/o Ganesh Nagar, Nayapara, P.S. Sirgitti, Civil and Revenue District Bilaspur (C.G.)

---Applicant

Versus

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

---Non-applicant

For Applicant	:	Mr. F.S. Khare, Advocate.
For-Non-applicant	:	Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/08/2015**

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. 120/2015, registered at Police Station Sirgitti, District Bilaspur (C.G.), for the offence punishable under Sections 363, 366 & 376 of Indian Penal Code and under Sections 3 & 4 of the Protection of Children from Sexual Offence Act, 2012.

2. Case of the prosecution, in brief, is that, applicant abducted minor prosecutrix and committed sexual intercourse with her.

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 according to Radiologist report, prosecutrix is aged about 18-20 years and no medical evidence is available.

He would lastly submit that applicant is in jail since 18/06/2015, 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 on the date of offence, prosecutrix is aged about 15 years and 8 months and the applicant committed sexual intercourse with her for 1½ months.

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; also considering the fact that prosecutrix is minor on the date of offence and the manner, in which, applicant committed sexual intercourse with her for 1½ months, 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