

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4059 of 2015**

- Surendra Kumar Pisda, son of Radhelal Pisda, aged about 21 years, Caste- Halba, resident of Village – Tekapar, Police Station – Mangchuwa, District-Balod (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station – Mangchuwa, District Balod (C.G.)

---- Non-applicant

For Applicant: Mr. B.P. Singh, Advocate.
For Non-applicant/State: Mr. Lov Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/08/2015**

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.114/2015 registered at Police Station Mangchuwa, District-Balod for the offences punishable under Sections 366 & 379 of the Indian Penal Code and Section 4, 5 & 6 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution is that on 26.03.2015 applicant abducted minor prosecutrix and taken her to Chennai and where committed forcible sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that as per radiologist report,

prosecutrix is major girl and consenting party to the act of the applicant and she has also been recovered on 15.04.2015. He further submits that the applicant is in jail since 17.05.2015 and no useful purpose would be served in detaining him in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that according to the mark-sheet of the prosecutrix available in the case diary, her age is 15 years & 8 months whereas according to the First Information Report, her age is 17 years & 4 months and, as such, at this stage, radiologist report cannot be relied upon to hold the age of the prosecutrix to be major. He would also submits that the manner in which applicant is alleged to have committed forcible sexual intercourse with her, he is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which applicant is alleged to have kidnapped and committed forcible sexual intercourse with the minor prosecutrix; 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/-