

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4121 of 2015**

- Hiranchand Nag, Son of Shriram Nag, Aged about 22 years, R/o Village Pohmar, Thana Mardapal Civil and Revenue District Kondagaon (C.G.) (As per Charge Sheet)

---- Applicant**Versus**

- State Of Chhattisgarh through Station House Officer Mardapal, Civil and Revenue District Kondagaon (C.G.) (As per FIR)

---- Respondent.

For Applicant: Mr. Punit Ruparel, Advocate.

For respondent /State: Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****26/08/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 08/2015 registered at Police Station Mardapal, Civil and Revenue District – Kondagaon (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.

(2) Case of the prosecution, in brief, is that applicant is alleged to have committed sexual intercourse with the prosecutrix against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is major, aged about 20 years, and consenting party to the act of the applicant and as such the applicant has been falsely implicated in the offence in question. He further submits that applicant is in jail since 16.04.2015; charge sheet has already been filed 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 prosecutrix was minor on the date of offence.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which the applicant is alleged to have committed sexual intercourse with the prosecutrix, who is said to be the minor on the date of offence; 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/-

