

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4264 of 2015

- Ashok Rathiya, S/o Shri Ghasi Ram Rathiya, aged about 25 years, R/o Village: Saraipali, Police Station Punjipathra, District Raigarh (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station : Dharamjaigarh, District : Raigarh (C.G.)

---- Non-applicant

For Applicant: Mr. Amit Singh, Advocate.
For Non-applicant/State: Mr. Anupam Dubey, Dy. Govt.
Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/08/2015

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No. 75/2015 registered at Police Station Dharamjaigarh, District Raigarh (C.G.) for the offences punishable under Sections 376, 506 & 323 of Indian Penal Code & Section 4 of Protection of Children from Sexual Offence Act.

(2) Case of the prosecution, in brief, is that applicant has alleged abducted the minor prosecutrix on 27.03.2015 and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix has not supported the case of the prosecution and has been declared hostile; there is delay of two days in lodging the First Information Report; applicant is in custody from 29.03.2015; charge sheet has already been filed; and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application and submit that the prosecutrix was minor on the date of offence and, therefore, the applicant is not entitled for regular bail.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which 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/-

