

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4333 of 2015**

Matasharan Gond, son of Shri Ram Kishun Gond, aged 24 years, R/o Village Palagi, Jawarkhadi Para, P.S. Trikunda, Distt. Balrampur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through: Station House Officer, Police Station Trikunda, Distt. Balrampur (C.G.)

---- Non-applicant

For Applicant: Mr. Arvind Sinha & Shri Palash Tiwari,
Advocate.

For Respondent/State: Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/09/2015**

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.25/2014 registered at Police Station Trikunda, Distt. Balrampur for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code read with Section 4 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that applicant abducted the minor prosecutrix on 4.5.2014 and committed forcible sexual intercourse with her against her will and thereby committed the

aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that the prosecutrix & her father both have been examined before the court below, in fact, prosecutrix has not supported the case of the prosecution about the age and the forcible sexual intercourse by the applicant. He also submits that applicant is in jail since 2.6.2014; charge sheet has already been filed and no useful purpose would be served in detaining him in jail, therefore, the applicant may be released on bail.

(4) Per contra, counsel for the State submits that prosecutrix has fully supported the case of the prosecution and the material witnesses are yet to be examined and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; considering the statements of the prosecution witnesses recorded before the court below 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/-

