

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4338 of 2015

Shrawan Kumar, S/o Kunwar Prasad, aged about 20 years, R/o Village Pashupatipur, P.S. Basantpur, Revenue Distt. Balrampur-Ramanujganj & Civil Distt. Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Basantpur, Distt. Balrampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicant: Mr. A.N. Pandey, Advocate.

For Non-applicant: Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.46/2015 {ST No.47/2015 pending in the Court of Additional Sessions Judge (FTC), Ambikapur}, registered at Police Station Basantpur, Distt. Balrampur-Ramanujganj, for the offence punishable under Sections 363, 366, 376 (2) (ब) of the IPC and 5 ब read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant has allegedly abducted / kidnapped the minor prosecutrix aged about 17 years and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. There is delay of 19 days in lodging the FIR and same is not supported by medical

evidence as such, the applicant is in jail since 23-5-2015. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application and submits that the prosecutrix was minor on the date of offence.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and the manner in which the minor prosecutrix is alleged to have been kidnapped and was subjected to forceful sexual intercourse, I am not inclined to grant regular bail to the applicant. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge