

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4369 of 2015**

Santlal @ Santosh Banjara S/o Jagdish Banjara, aged about 26 years, R/o Kokdi, Police Station Saraipali, District Mahasamund (CG)

---Applicant**Versus**

State of Chhattisgarh, Through – Station House Officer, Police Station Sarangarh, District Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Ashish Gupta, Advocate.
For-Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****31/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.282/2015, registered at Police Station-Sarangarh, District-Raigarh (C.G.), for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offence Act, 2012.

2. Case of the prosecution, in brief, is that, the applicant is alleged to have kidnapped the minor prosecutrix and committed forcefully sexual intercourse with her and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that the prosecutrix was major and consenting party, which is apparent from the documents filed by him. He would also submit that

the applicant has married with the prosecutrix, he is in jail since 4.7.2015 and charge-sheet has already been filed, therefore, he may be released on regular bail.

4. Learned State counsel would oppose the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence and the manner in which the prosecutrix who is said to be minor on the date of incident is alleged to have kidnapped and forcefully committed sexual intercourse with her, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-