

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4392 OF 2015**

Naveen Kumar Verma S/o Shri Bhag Chand Verma aged about 21 years R/o Village Bodela, Tumadibord, P. S. Dongargarh Distt. Rajnandgaon (C.G.)
Current address Pardeshi Pan Thela, Near Kali Mandir, Ariya Nagar Kohka, P.S. Supela Bhilai Distt. Durg (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through P.S. Supela Bhilai Distt. Durg (C.G.)

---Non-applicant

For Applicant	:	Mr. Vipin Tiwari, Advocate.
For-Non-applicant	:	Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/09/2015**

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. 422/2015, registered at Police Station Supela Bhilai Distt. Durg (C.G.), for the offence punishable under Sections 363, 366, 376 of I.P.C. and 3, 4 of Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, on 17/06/2015 applicant abducted minor prosecutrix and committed forcible sexual intercourse with her and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that prosecutrix is major as per report of

Radiologist and there is variation in the statements of the prosecutrix recorded under Sections 161 of the Cr.P.C. and 164 of the Cr.P.C. He would lastly submit that charge sheet has been filed and applicant is in jail since 23/06/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that she was minor on the date of offence and applicant committed forcible intercourse with her.

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 her age as she is said to be minor on the date of offence, 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