

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4418 of 2015**

- Jai Prakash Patre, Son of Pancham Patre, aged about 26 years, R/o. Medpar Bazar, P.S. Takhatpur, District Bilaspur, at present R/o. Kundarapara, Tifra, P.S. Sirgitti, District Bilaspur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, P.S. Sirgitti, District Bilaspur (C.G.)

---- Non-applicant

For Applicant: Mr. Atanu Ghosh, Advocate.
 For Respondent/State: Mr. Om P. Sahu, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/09/2015**

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. 114/2015 registered at Police Station Sirgitti, District Bilaspur for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code & Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that applicant is alleged to have abducted the minor prosecutrix and committed forcible sexual intercourse with her and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that there is two days' delay in lodging the First Information Report and there is no medical evidence available on record to connect the applicant with the crime in question. He further submits that applicant is in jail since 22.06.2015; 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, counsel for the State submits that prosecutrix was minor, aged 15 years & 11 months on the date of offence.

(5) Taking into consideration the facts & circumstances of the case and the manner in which the prosecutrix, who is said to be minor, is abducted and subjected to forcible sexual intercourse by the applicant, 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/-

