

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4502 OF 2015**

Kishan Kumar Lahre S/o Malikram Lahre, aged about 23 years, R/o Madwa,
Police Station Girodpuri, Tahsil Kasdol, District Baloda Bazar (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police of Police
Station Kumhari, District Durg (C.G.)

---Non-applicant

For Applicant	:	Mr. Arun Kochar, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

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. 112/2014, registered at Police Station Kumhari, District Durg (C.G.), for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 5, 6 of Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that, on 20/05/2014 applicant is alleged to have abducted/kidnapped the minor prosecutrix and committed sexual intercourse with her.

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 and consenting party as such, there is delay in lodging the FIR as FIR has been lodged on

29/05/2014. He would lastly submit that charge sheet is yet to be filed and applicant is in jail since 20/07/2015, 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 prosecutrix was minor on the date of offence.

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 particularly, considering the age of prosecutrix who was said to be minor i.e. 16 years and 10 months 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