

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4562 OF 2015**

Uttam Kumar Sagar son of Premlal Sarthi aged about 31 years resident of village Tendubhatha Police Station Naila, District Janjgir-Champa (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through, Station House Officer Police Station City Kotwali, Durg, District Durg (C.G.)

---Non-applicant

For Applicant	:	Mr. B.P. Singh, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/09/2015**

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. 101/2015, registered at Police Station City Kotwali, District Durg (C.G.), for the offence punishable under Sections 363, 366, 376 of I.P.C. and Sections 5(*tha*), 6 of Protection of Children from Sexual Offence Act.

2. Case of the prosecution, in brief, is that, on 02/02/2015 applicant abducted 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 no custodial interrogation is required and no useful purpose would be served by keeping him in jail. He would further submit that prosecutrix is major and consenting party as they were

worked together for fairly long time and well known to each other. He would also submit that there is delay of 9 days in lodging the FIR. He would lately submit that charge sheet has been filed and applicant is in jail since 15/02/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that prosecutrix is minor girl aged about 16 years on the date of offence and applicant is married man, who committed forcible sexual intercourse with the prosecutrix, therefore, he is not entitled to be released on 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 material available on record particularly age of prosecutrix who is said to have minor on the date of offence and the manner in which applicant committed forcible 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