

HIGH COURT OF CHHATTISGARH, BIL

Order Sheet

**MCRC No. 6530 of 2015**

- Nihal Ansari S/o Khurshid Ansari Aged About 20 Years, R/o Village Hua Gadaria, Thana Hazaribag, Distt. Hazaribag, Jharkhand. --- **Petitioner**

**Versus**

- State of Chhattisgarh Through Station House Officer Tamnar, Distt. Raigarh, Chhattisgarh. --- **Respondent**

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| <b>01.12.2015</b> | <p>Mr. Neelkant Malviya, counsel for the applicant.</p> <p>Mr. Anil S. Pandey, Govt. Advocate, for the State.</p> <p>This is an application filed u/s 439 of Cr.P.C., seeking grant of bail to the applicant in connection with Crime No.134/2015 registered at P.S. Tamnar, Distt. Raigarh (C.G) for the offence punishable u/s 8 of the POCSO Act.</p> <p>As per the prosecution, the applicant has enticed the prosecutrix who is a minor aged about 15 years on the pretext of marriage. It is alleged that when the prosecutrix came from her paternal house, she was called to Railway Station and thereafter this applicant met the girl and consequently both they went to Rourkela. Thereafter, they went to Ranchi and stayed in the house of relation of the applicant. The report was lodged by one Lalita Yadav at P.S. Tamnar and thereafter the girl was recovered by the Police at Ranchi.</p> <p>Learned counsel for the applicant submits that he has been falsely implicated in this case and the offence u/s section 366 IPC is not attracted and the offence u/s</p> |  |

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| <p>Rao</p> | <p>363 has been committed by other accused Mukesh Gupta and he has been granted bail, therefore, the present applicant may also be enlarged on bail.</p> <p>Per contra learned State Counsel opposes the bail.</p> <p>I have gone through the statements recorded u/s 161 &amp; 164 Cr.P.C. Reading of those statements would show that applicant Nihal had come to Mukesh and thereafter when she reached the station at the instance of this applicant, the prosecutrix who is a minor went alongwith him to different places and subsequently she was recovered from the possession of this applicant at Ranchi.</p> <p>A perusal of the case file would show that the prosecutrix is minor and therefore the allegations have been clearly attributed to this applicant. Taking into the age of the prosecutrix that she is minor of 15 years and considering the statement under Section 161 Cr.P.C., I am not inclined to allow this bail application. Accordingly, it is dismissed.</p> <p style="text-align: right;"><b>Sd/-<br/>GOUTAM BHADURI<br/>JUDGE</b></p> |  |
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