

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7169 of 2015

Suresh Gond S/o. Rameshwar Gond, Aged about 21 years, Caste Gond (ST) R/o. Village Chipri, Police Station- Mainpur, Tahsil Mainpur District Gariyaband (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Gariyaband District Gariyaband (C.G.)

---- Respondent

For Applicant	:-	Mr. Mohammad Afroz Athar, Advocate
For Respondent/ State	:-	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 124/2015 registered at Police Station- Gariyaband, District – Gariyaband (C.G.) for the offence punishable under Sections 376,493 of IPC and section 4 & 6 of Protection of Children from Sexual Offence Act.
2. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the prosecutrix and when she became pregnant the applicant refused to marry with her. According to the prosecution the prosecutrix was minor at the time of incident. Thereby, the offence is committed.
3. Counsel for the applicant is innocent and he has been falsely implicated in this case. He further submits that at the time of

incident the prosecutrix was minor girl, thereafter, when she become pregnant she made a report but actually on the date of incident she has not reported the matter to the police, therefore, no case is made against the present applicant and he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim. Perusal of the statement of the victim would show that the victim was minor at the time of incident and after when she became pregnant the applicant refused to marry with her, prima-facie it appears the offence was committed by the applicant and the victim was minor at the time of incident. Considering the statement of the victim, this Court is not inclined to release the applicant on bail.
6. Accordingly, the bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge