

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4980 OF 2015**

Rockey @ Rakhi Yadav S/o Shri Babulal Yadav, aged about 22 years, R/o Ghadipakhna, Manpur, Tahsil Katghora, Civil and Revenue District Korba, District Korba (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station Ajak Korba, District Korba (C.G.)

---Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****21/09/2015**

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. 03/2015, registered at Police Station Ajak Korba, District Korba (C.G.), for the offence punishable under Sections 363, 366, 376, 120(B) of the Indian Penal Code, Section 3(1-12), 3(2-5) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act and Section 4 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that, on 18/04/2015 applicant is alleged to have abducted the minor tribal prosecutrix from her lawful guardianship and committed forcible sexual intercourse with her and thereby committed aforesaid offence.

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 lastly submit that charge sheet has been filed and applicant is in jail since 18/05/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of 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 nature and gravity of offence; age of the prosecutrix who is said to be 16 years and few months on the date of offence and knowing fully well she is tribal, applicant is said to have 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