

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. No. 4650 OF 2015**

Vijay Nirmalkar @ Vikay Rajak S/o Deodhar Nirmalkar aged about 24 years  
R/o Kuchera Police Station Daundilohara District Balod (C.G.) Present  
address Dallirajhara District Balod (C.G.)

**---Applicant****Versus**

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

**---Non-applicant**


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| For Applicant     | : | Mr. N.S. Dhurandhar, Advocate.              |
| For-Non-applicant | : | Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****08/09/2015**

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. 293/14, registered at Police Station Newai, District Durg (C.G.), for the offence punishable under Sections 363, 366, 376 of I.P.C. & Section 4 of Protection of Children from Sexual Offence Act, 2012.

2. Case of the prosecution, in brief, is that, applicant is said to have abducted the minor girl/child and committed forcible 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 the case. He would refer to the statement of minor girl/child under Section 164 of the

Cr.P.C. that applicant has already married with her and she is wife of applicant. He would lastly submit that applicant is in jail since 11/03/2015 and no useful purpose would be served by keeping him in jail, therefore, he may be released on bail.

4. 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; prosecutrix is said to be minor on the date of offence and present applicant has 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. However, trial Court is directed to expedite the trial and decide the case as early as possible.

8. Certified copy as per rules.

Sd/-  
**(Sanjay K. Agrawal)**  
**JUDGE**