

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4920 of 2015**

- Anil Kumar, S/o Touleram, aged 21 years, R/o Village: Kouda, P.S.-Dehat Kotwali, Distt: Haradoi (U.P.) Presently Resident of Dimpyar Nagar Koyla Basti, PS-Balbahadur Chock, Civil & Rev. Distt. - Mathura (U.P.)

---- Applicant**Versus**

- State of Chhattisgarh, Through: P.S. - Khamtarai, Civ. & Rev: Distt: Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Devershi Thakur, Advocate.
For Respondent/State:	Mr. R.K. Mishra, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 114/2014 registered at Police Station Khamtarai, Distt: Raipur for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code and under Section 4 of the POSCO Act, 2012.

(2) Case of the prosecution, in brief, is that on 04.09.2013 applicant abducted the minor prosecutrix and taken her to various places and committed sexual intercourse with her.

(3) Counsel for the applicant submits that the prosecutrix is consenting party to the act of the applicant, which is apparent from her statements recorded under Sections 161 & 164 Cr.P.C. Recorded on 22.3.2014 & 27.07.2014 and applicant has also married with the prosecutrix and she has conceived twice. He further submits that applicant is in jail since 20.07.2015 and no useful purpose would be served in detaining him in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that the prosecutrix was minor on the date of offence and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case and the manner in which the applicant is said to have abducted the prosecutrix and committed sexual intercourse with her, who is said to be the minor on the date of offence and the other material collected by the prosecution; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-