

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4905 of 2015**

Rahul @ Narendra Dahariya, S/o late Mehtaru Dahariya, aged about 22 years, R/o Ganjpara, Durg, Tahsil & District Durg (CG)

---Applicant**Versus**

State of Chhattisgarh, Through-Station House Officer, Police Station Durg, District Durg (CG)

---Non-applicant

For Applicant	:	Mr. Manish Upadhyay, Advocate
For Non-applicant	:	Mr.Arvind Dubey, Panel Lawyer

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

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.468 of 2012, registered at Police Station-Durg, District-Durg (CG), for the offence punishable under Sections 363, 366 and 376 of the IPC.
2. Case of the prosecution, in brief, is that from 25.6.2012 to 18.6.2015 the applicant abducted the minor prosecutrix and committed forceful sexual intercourse with her and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the prosecutrix was major and consenting party and applicant has married with her, the applicant is in jail since 18.6.2015 and charge-sheet has already been filed and therefore, he may be enlarged on bail.
4. On the other hand, learned State counsel would oppose the bail application.

5. Taking into consideration the facts & circumstances of the case and nature & gravity of the offence and the fact that on the date of abduction she is said to be minor i.e. 15 years with whom the applicant is alleged to have committed forcible sexual intercourse, I am of the view that present is not a fit case for grant of regular bail to the applicant. Consequently, bail application is rejected.

6. Certified copy as per rule.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-