

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4952 OF 2015**

Janak Sai Minj son of Baleshwar Minj, aged about 26 years, Caste-Uraon,
resident of Tora, Police Station-Sanna, District-Jashpur (CG)

---Applicant**Versus**

State of Chhattisgarh Through : Station House Officer, Police Station-Sanna,
District-Jashpur (CG)

---Non-applicant

For Applicant	:	Mr. J.K.Saxena, Advocate.
For-Non-applicant	:	Mr. Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/09/2015**

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.60/2015, registered at Police Station-Sanna, District-Jashpur (C.G.), for the offence punishable under Sections 376 and 420 of the IPC.

2. Case of the prosecution, in brief, is that the applicant on the pretext of marriage committed forceful sexual intercourse with the prosecutrix and also obtained Rs.35,000/- from her in order to obtain employment and thereby not only committed rape but also cheated her.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that the applicant had an affair with the prosecutrix since 2006 and she was major and consenting party. The applicant is in jail since

2.8.2015 and therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the prosecutrix was minor in the year 2006 when the applicant abducted and committed forceful sexual intercourse with the prosecutrix and also obtained Rs.35,000/- by cheating her.

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; the manner in which the applicant on the pretext of marriage said to have exploited her physically for fairly long time i.e. for last few years and the manner in which he cheated the prosecutrix by obtaining Rs.35,000/-, 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

B/-