

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4964 OF 2015**

Raju Tiwari S/o Shri Pooran Prasad Tiwari, aged about 32 years, R/o Ranveerpur, Thana Sahaspur Lohara, Distt. Kabeerdham (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Thana Sahaspur Lohara, Distt. Kabeerdham (C.G.)

---Non-applicant

For Applicant	:	Mr. Sameer Singh, Advocate.
For-Non-applicant	:	Mr. Arvind Dubey, P.L.

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. 217/2015, registered at Police Station Sdhaspur Lohara, Distt. Kabeerdham (C.G.), for the offence punishable under Sections 363, 366, 376, 506 of the Indian Penal Code and 3,4 of Protection of Children from Sexual Offence Act.

2. Case of the prosecution, in brief, is that, on 20/06/2015 applicant is alleged to have abducted minor prosecutrix 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 prosecutrix is minor as per radiologist report and there is delay in lodging the FIR as the FIR has been lodged on

12/07/2015. He would lastly submit that charge sheet has been filed and applicant is in jail since 13/07/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel by referring statement of the prosecutrix recorded under Section 164 of the Cr.PC. opposed the bail application.

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; statements of prosecutrix recorded under Sections 161 & 164 of the Cr.P.C. and age of the prosecutrix, 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