

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4993 of 2015

Johan Singh, S/o Kushal Singh, aged about 22 years, Caste Urao, R/o Village Lata, P.S. & Tehsil Pendra Road, Civil & Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Pendra, Revenue & Civil District Bilaspur (C.G.)

---- Non-applicant

For Applicant:	Mr. Surfaraj Khan, Advocate.
For Non-applicant:	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.113/2015 (ST No.22/2015 pending in the Court of Additional Sessions Judge, Pendra Road, Distt. Bilaspur), registered at Police Station Pendra, Distt. Bilaspur, for the offence punishable under Sections 363, 366, 376 read with Section 34 of the IPC; 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 2-6-2015, the applicant abducted / kidnapped the minor prosecutrix and committed forceful sexual intercourse upon her and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated, the prosecutrix is major and consenting party and the applicant is in jail since 6-6-2015. Charge-sheet has been filed.
4. On the other hand, learned State counsel opposes the application.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, age of the prosecutrix and the manner in which the applicant is said to have committed sexual intercourse with the prosecutrix on the pretext of marriage, I am not inclined to grant regular bail to the applicant. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge