

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5080 of 2015

Rajesh Kumar, S/o Hariram Sahu, aged about 22 years, R/o Singhola,
Police Station Lalbag, Civil & Revenue District Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Lalbag, District Rajnandgaon (C.G.)

---- Non-applicant

For Applicant:	Mr. Abhishek Sharma, Advocate.
For Non-applicant:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/09/2015

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.417/2015 {Special ST No.60/2015 pending in the Court of Additional Sessions Judge (FTC), Rajnandgaon}, registered at Police Station Lalbag, Distt. Rajnandgaon, for the offence punishable under Sections 363, 366, 376 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 1-12-2014, the applicant abducted the minor prosecutrix and committed forceful sexual intercourse upon her.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime and he is in jail since 3-7-2015. He further submits that the prosecutrix is major and consenting party, according to the Radiologist's report, her age is more than 18 years and the applicant had already married the minor

prosecutrix.

4. On the other hand, learned State counsel opposes the application and submits that age of the prosecutrix on the date of offence is 16 years 11 months.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, particularly, age of the prosecutrix who is said to be minor on the date of offence and the applicant is alleged to have committed forceful sexual intercourse upon her, I am not inclined to grant regular bail to the applicant. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge