

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5178 of 2015

Deepak @ Sonu Gadewal, S/o Shri Dilip Gadewal, aged about 21 years, R/o Sangharsh Chowk, Shivpuri, Jamul, Police Station Jamul, Revenue and Civil District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Mohan Nagar, District Durg (C.G.)

---- Non-applicant

For Applicant:	Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/10/2015

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.245/2015, registered at Police Station Mohan Nagar, Distt. Durg, for the offence punishable under Sections 363, 366, 376 of the IPC and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant is said to have abducted the minor prosecutrix and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant had affair with the prosecutrix, in fact, he has married the prosecutrix and as on today, they are husband and wife, a false case has been registered against the applicant at the instance of father and mother of the prosecutrix in which the applicant is in jail since 14-7-2015, and charge-sheet has been filed.
4. On the other hand, learned State counsel opposes the application and

submits that the prosecutrix was minor on the date of offence being 17 years 2 months, as such, the offences alleged against the applicant are clearly made out against him.

5. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, the manner in which the minor prosecutrix was kidnapped and forced to marry and thereby the applicant is said to have committed sexual intercourse with her, I do not consider it a fit case for grant of bail to the applicant. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge