

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5342 OF 2015**

Naresh Kumar Chelak S/o Gopal Das Chelak Aged about 21 years Resident of Village Pangaon, Police Station & District Baloda-Bazar (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through its Police Station Mandir Hasod Raipur, District Raipur, Civil-Revenue District Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. Ravi Maheshwari, Advocate.
For-Non-applicant	:	Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/10/2015**

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. 175/2015, registered at Police Station Mandir-Hasod, Civil & Revenue Dist. Raipur (C.G.), for the offence punishable under Sections 363, 366, & 376 of the Indian Penal Code & under Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, on 17/06/2015 present applicant abducted/kidnapped minor prosecutrix and committed forcible sexual intercourse with her.

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 major and consenting party and there is no evidence to connect the applicant in offence in question.

He would lastly submit that charge sheet has been filed and applicant is in jail since 02/08/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

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; age of the prosecutrix who is said to be minor i.e. 16 years and the manner in which prosecutrix was subjected to forcible sexual intercourse by the applicant, 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