

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5235 of 2015**

Sumit Mitra, son of Mrinal Mitra, aged about 19 years, R/o.
Near Old G.S. Office, Haldibadi, Chirmiri, P.S. Chirimiri,
District Korla (C.G.)

....Applicant**Versus**

State Of Chhattisgarh Through Station House Officer-
Police Station, Chirmiri, District Korla (C.G.)

---- Non-applicant

For Applicant:	Smt. Hamida Siddiqui, Advocate.
For Respondent/State:	Shri Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.213/2013 registered at Police Station Chirmiri, District Korla for the offences punishable under Sections 363,366,376,368 & 212/34 of the Indian Penal Code and Section 4,6,17 & 18 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that on 18.6.2014 applicant is said to have kidnapped the minor prosecutrix and said to have committed forcible sexual intercourse with the prosecutrix against her will and thereby committed the aforesaid

offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence and the prosecutrix is major girl on the date of offence, which is apparent from the statements of seven witnesses, who have been examined during trial. He further submits that applicant is in jail since 03.09.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, Counsel for the State opposes the bail application and submits that the prosecutrix was minor on the date of offence .

(5) Taking into consideration the facts & circumstances of the case and the manner in which the applicant is alleged to have kidnapped the prosecutrix and committed sexual intercourse with her, who is said to be the minor on the date of offence, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-