

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5304 of 2015

Bitan @ Baldau Yadav, S/o Jagat Narayan Yadav, aged about 35 years, R/o Narmadapur, Police Station Kamleshwarpur, District Sarguja, Civil & Revenue District Sarguja (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through Police Station Kamleshwarpur, District Sarguja (C.G.)

---- Non-applicant

For Applicant:	Mr. A.K. Prasad, Advocate.
For Non-applicant:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/10/2015

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.29/2015, registered at Police Station Kamleshwarpur, Distt. Sarguja, for the offence punishable under Sections 363, 366-A, 376, 313, 368/(2)n (2)m of the IPC; 3 (a), 4, 5 (I) and 6 of the Protection of Children form Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant is said to have abducted the minor prosecutrix one year prior to the date of offence and committed forceful sexual intercourse with her and when she became pregnant, she was subjected to forceful abortion.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. There is delay of one year in lodging the FIR, the prosecutrix is major and consenting party and the applicant has not committed any offence which is

reflected from the statement of the prosecutrix recorded under Section 164 of the CrPC on 10-8-2015, as such, false case has been registered against the applicant. Charge-sheet has been filed on 27-8-2015 and the applicant is in jail since 17-7-2015, as such, no custodial interrogation of the applicant is required and he be released on bail.

4. On the other hand, learned State counsel opposes the application.
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, manner in which the minor prosecutrix was abducted and subjected to sexual intercourse and when she became pregnant, she was said to have been subjected to forceful abortion, and the material collected by the prosecution, I do not find it a fit case for grant of regular bail to the applicant. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge