

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5314 OF 2015**

Bhaiya Ram S/o Leela Ram, aged about 19 years, Caste Satnami, R/o Village Baheradih, Police Station Jaijaipur, Revenue and Civil District Janjgir-Champa (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Police Station Jaijaipur, District Janjgir-Champa (C.G.)

---Non-applicant

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate.
For-Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

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. 32/2015, registered at Police Station Jaijaipur, District Janjgir-Champa, (C.G.), for the offence punishable under Sections 363, 366 Ka, of Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, applicant kidnapped minor prosecutrix aged about 16 years, taken her to various places and compelled her to marry against her will and sexually assaulted 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 minor prosecutrix is consenting party

and as such, charge under Section 376 of the I.P.C. has not been framed against the applicant. He would lastly submit that applicant is in jail since 14/08/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that charge under Section 6 of the Protection of Children from Sexual Offences Act, 2012 has been framed which is punishable for a period of not less than 10 years and which may extend imprisonment for life.

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; material collected by the prosecution against the applicant; age of the prosecutrix who is minor on the date of offence and manner in which she is said to have sexually assaulted 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