

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5497 OF 2015**

Maheshwar @ Maheshwar Das son of Tukeshwar @ Tukeshwar Das Manikpuri, aged about 27 years, at present Resident of Kosamsara, Police Station Gidhori, Civil and Revenue District Baloda Bazar/Bhatapara (CG)

---Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station-Gidhori, Civil and Revenue District Baloda Bazar/Bhatapara (C.G.).

---Non-applicant

For Applicant	:	Mr. J.R.Verma, Advocate.
For-Non-applicant	:	Mr. Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/10/2015**

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.75/2015, registered at Police Station-Gidhori, District-Baloda Bazar/Bhatapara (C.G.), for the offence punishable under Sections 376, 363 & 366 of the IPC and Section 18 of the Protection of Children from Sexual Offence Act, 2012.

2. Case of the prosecution, in brief, is that, on 2.5.2015 the present applicant abducted the minor prosecutrix and thereafter 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 the case. He would further submit that there is delay of four days in lodging the F.I.R.,

which has not been explained by the prosecutrix in her 164 statement recorded on 26.8.2015 and she has declined to undergo medical test. He would also submit that applicant is in jail since 10.8.2015 and charge-sheet has already been filed and therefore, he may be enlarged on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that in 161 statement, the prosecutrix has supported the case of the prosecution.

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; the manner in which the prosecutrix aged about 15 years was kidnapped and subjected to forceful sexual intercourse and material collected and available in the case diary, 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

B/-