

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.492 of 2016**

Dev Prasad Yadav, S/o Bhagwat Ram Yadav, Aged about 22 years, R/o
Kunwapali, P.S.-Bilha, District Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh, Through – P.S. Bilha, District Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Sumit Jhanwar, Advocate
For Non-applicant	:	Mr. D.R.Minz, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

04/02/2016

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.268/2015, registered at Police Station-Bilha, District-Bilaspur (C.G.), for the offence punishable under Sections 363, 366 & 376A of the IPC, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3 (1) (12) & 3 (2) (5) of the SC & ST (Prevention of Atrocities) Act.

2. Case of the prosecution, in brief, is that the applicant has kidnapped the minor prosecutrix and thereafter committed forcible sexual intercourse with her.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been

implicated in crime in question. He would further submit that the prosecutrix was major and consenting party and in her 164 statement, she has not supported the case of the prosecution. The applicant is in jail since 16.12.2015 and therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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 particularly age of the prosecutrix who was minor on the date of offence, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the 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/-