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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 896 of 2016**

Sunil Kumar Khairwar, S/o Shri Ramlal Khairwar, aged about 18 years, R/o Village- Shankarpur, P.S.- Raghunathnagar, Distt.- Balrampur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through: P.S.- Raghunathnagar, Distt. - Balrampur (C.G.)

-----Non-applicant

For Applicant: Mr. Bhupendra Singh, Advocate.
For Non-applicant/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/03/2016**

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. 02/2015 registered at Police Station Raghunathnagar, Distt.- Balrampur (C.G.) for the offences punishable under Sections 341, 363, 366(A), 376 (Wrongly mentioned as 376(2)(dha) in impugned order), 506(B) of the Indian Penal Code & Section 4, 5(L) read with Section 6 of Protection of Children from Sexual Offences Act.

(2) Case of the prosecution, in brief, is that applicant committed sexual intercourse with the prosecutrix after abducting her on the pretext of marriage and, thereby, committed the

aforesaid offences.

(3) Learned counsel for the applicant submits that prosecutrix is a major and consenting party to the act of the applicant. He further submits that there is delay of 9 days in lodging the FIR and the applicant is jail since 03.01.2015 and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; further considering the age of the prosecutrix i.e. 16 years, 5 months and 20 days on the date of occurrence and the manner in which the prosecutrix, who is minor girl, is said to have been raped by the applicant on the pretext of marriage, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

