

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.836 of 2016**

Mukesh Soni S/o Ramesh Soni, aged about 24 years, R/o Telipara, Near – Shivangi Medical, Police Station-City Kotwali, Bilaspur, Civil and Revenue District-Bilaspur (CG)

**---Applicant****Versus**

State of Chhattisgarh, Through–Station House Officer, Police Station – Sarkanda, District-Bilaspur (CG)

**---Non-applicant**


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| For Applicant     | : | Mr. Dharmesh Shrivastava, Advocate |
| For Non-applicant | : | Mr. D.R.Minz, Dy.G.A.              |
| For Objector      | : | Mr.C.R.Sahu, Advocate              |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****09/03/2016**

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.187/2015, registered at Police Station-Sarkanda, Bilaspur, District-Bilaspur (CG), for the offence punishable under Sections 363, 366 & 376 of the IPC, Sections 3 & 4 of the Protection of Children from Sexual Offences Act and Section 3 (i) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Case of the prosecution, in brief, is that on 17.5.2015 the present applicant kidnapped/abducted the minor prosecutrix, who is by caste Scheduled Caste and thereafter committed 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 there is delay of two days in lodging the F.I.R., the applicant is in jail for fairly long time and charge-sheet has already been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the prosecutrix was minor and Scheduled Caste girl.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and the fact that the prosecutrix is said to be minor on the date of commission of offence, I do not find any ground for grant of regular bail to the applicant. Consequently, bail application is rejected.

**Sd/-**

**(Sanjay K. Agrawal)**  
**JUDGE**

B/-