

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1060 of 2016**

Shiv Kumar Nayak, S/o Shankar Lal Nayak, aged about 20 years, residing at Near Bus Stand Village Bhairamgarh, P.S. Bhairamgarh Revenue District Bijapur and Civil District South Bastar, Dantewada (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through the Police Station Bhairamgarh, District Bijapur (C.G.)

-----Non-applicant

For Applicant: Mr. P.K. Tulsyan, Advocate.
For Non-applicant/State: Mr. Neeraj Kumar Sharma, Dy. GA

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/03/2016**

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. 39/2015 registered at Police Station Bhairamgarh, District Bijapur (C.G.) for the offences punishable under Sections 363, 366 and 376(2)(I) of Indian Penal Code and Sections 4 & 8 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that applicant kidnapped the minor prosecutrix and committed forcible sexual intercourse with her and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that prosecutrix has already been examined before the trial Court, in which she has not supported the case of the prosecution and the applicant is in jail since 18.07.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that mother and father of the prosecution have been examined before the trial Court and they have supported the case of the prosecution; and the prosecutrix was minor on the date of offence and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; age of the prosecutrix, who is minor on the date of offence and without further commenting upon the merits of the case; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-