

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1281 OF 2016**

Nand Kishor @ Raju Deshlahre aged about 20 years S/o Shukhit Ram Deshlahre R/o Amalori Police Station Utai Tehsil and District Durg Civil and Revenue District Durg C.G.

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer Ranitarai District Durg C.G.

---Non-applicant

For Applicant	:	Mr. Goutam Khetrapal, Advocate
For-Non-applicant	:	Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/03/2016**

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. 13/2015, registered at Police Station Ranitarai, District Durg (C.G.), for the offence

punishable under Sections 363, 366, 376 of I.P.C. & Section 4/6 of Protection of Children from Sexual Offence Act, 2012.

2. Case of the prosecution, in brief, is that, applicant kidnapped the minor prosecutrix and on the pretext of marriage, committed sexual intercourse with her and thereby committed aforesaid offence.

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 prosecutrix is aged about 17 years on the date of offence and she is consenting party. He would further submit that applicant is in jail since 13/02/2015 and no useful purpose would be served by keeping him in jail, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that prosecutrix was 16 years on the date of offence.

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; role of the applicant; age of the prosecutrix who is said to be 16 years on the date of offence, 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