

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1383 of 2016**

Pawan Nirmalkar aged about 20 years S/o Kapil Nirmalkar R/o Palanasri Police Station Pandatarai District Kabirdham C.G.

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer Police Station Pipariya District Kabirdham C.G.

---Non-applicant

For Applicant	:	Mr. Sudhir Kumar Bajpai, Advocate
For-Non-applicant	:	Mr. Dhiraj Wankhede, G.A.

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. 292/2015, registered at Police Station Pipariya, District Kabirdham (C.G.), for the offence punishable under Sections 363, 366, 376 of I.P.C. &

Sections 3, 4 of the Protection of Children from Sexual Offence Act, 2012.

2. Case of the prosecution, in brief, is that, on 30/10/2015 applicant abducted the minor prosecutrix and committed sexual intercourse with her against her will 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, which is apparent from the statement of prosecutrix recorded under Section 161 of Cr.P.C. He would further submit that no offence under Section 376 is made out at any stretch of imagination. He would lastly submit that applicant is in jail since 30/10/2015 and charge sheet has been filed, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail.

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; statement of the prosecutrix under Section 161 of Cr.P.C., 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