

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1492 of 2016**

Jeet Kumar Uaike S/o. Late Daulat Ram Uaike, aged about 20 years, R/o
Kathia No.1, Police Station Kharora, P.S. Kharora, District Raipur (CG)

---Applicant

Versus

State of Chhattisgarh Through P.S.-Kharora, District Raipur (CG)

---Non-applicant

For Applicant	:	Mr. Arun Kochar,, Advocate
For Non-applicant	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/03/2016

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.321/2014, registered at Police Station-Kharora, District-Raipur (CG), for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 (क) & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the minor prosecutrix on 19.9.2014 and thereby committed the offence.

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 the applicant has married with the prosecutrix, her evidence has been recorded before the trial Court on 25.1.2016 in which she has not supported the case of

the prosecution. He would also submit that the applicant is in jail since 17.1.2016 and charge-sheet has already been filed, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the bail application and submit that the prosecutrix being minor cannot give her consent for marriage, as such, the applicant is guilty of committing sexual intercourse with the prosecutrix.

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

6. Taking into consideration the nature & gravity of the offence, facts & circumstances of the case, age of the prosecutrix who is said to be minor i.e. 16 years on the date of offence and material available in the case diary, I do not find any ground for grant of regular bail to the applicant. Consequently, bail application filed on behalf of the applicant is rejected.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-