

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1909 OF 2016**

Prafull Kerketta son of Jagnarayan Kerketta, aged about 19 years, Caste-Uraon, resident of Village-Garaibandh, (Shabdmunda), Police Station-Kansabel, District-Jashpur (CG)

---Applicant**Versus**

State of Chhattisgarh, through : Station House Officer, Police Station-Kansabel, District Jashpur (C.G.).

---Non-applicant

For Applicant	:	Mr. J.K.Saxena, Advocate.
For-Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/04/2016**

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. 237/2015, registered at Police Station-Kansabel, District-Jashpur (C.G.), for the offence punishable under Sections 363 & 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, on 30.12.2015 the applicant kidnapped the minor prosecutrix and committed sexual intercourse with her and thereby committed the offences.

3. Learned counsel for the applicant would submit that applicant has not committed any offence, no allegation of rape has been made by the prosecutrix against the present applicant and at the instance of social activist Pratima Sharma he has falsely been implicated in offence in question. The

applicant is in jail since 6.1.2016 and charge-sheet has already been filed, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that the prosecutrix was aged about 15 years on the date of commission 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, nature and gravity of the offence, role of the present applicant, age of the prosecutrix and the manner in which she is subjected to sexual intercourse who is said to be 15 years on the date of commission of offence and by which she is said to be pregnant as on day, 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**

B/-