

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1995 of 2016**

Love Kishore Vaishnave @ Gappu, son of Santosh Das Vaishnav, aged about 20 years, resident of Jhanda Chowk, Azad Nagar, Ranwabhatha, Police Station-Khamtarai, Raipur, Tahsil & District – Raipur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through : Station House Officer, Police Station – Khamtarai, Raipur, District Raipur (C.G.)

-----Non-applicant

For Applicant: Mr. L.C. Dash, Advocate.
For Non-applicant/State: Mr. Suvigya Awasthy, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/04/2016**

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. 92/2016 registered at Police Station Khamtarai, Raipur, District Raipur for the offences punishable under Sections 454, 323 & 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(xii) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities Act).

(2) Case of the prosecution, in brief, is that applicant committed sexual intercourse with the minor prosecutrix on 25.02.2016 and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that he has been falsely implicated in the offence in question as he has not committed any offence. He further submits that applicant is in custody since 27.02.2016 and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts and circumstances of the case; looking to nature and gravity of the offence and the manner in which applicant is said to have committed sexual intercourse with the prosecutrix, who is said to be the minor on the date of offence; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-