

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2278 OF 2016**

Shambhu Yadav S/o Arjun Yadav aged about 24 years
R/o village Khuteri P.S. Mandir Hasaud Tehsil Raipur
Revenue and Civil District Raipur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer
Mandir Hasaud Revenue and Civil District Raipur (C.G.).

---Non-applicant

For Applicant	:	Mr. Sarfaraj Khan, Advocate
For-Non-applicant	:	Mr. O.P. Sahu, GA

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/05/2016**

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. 138/2015, registered at Police Station Mandir Hasaud, District Raipur (C.G.), for the offence punishable under Sections 366, 376 of I.P.C. &

Sections 4 & 6 of Protection of Children from Sexual Offence Act, 2012.

2. Case of the prosecution, in brief, is that, on 23/05/2015 applicant abducted minor prosecutrix and committed forcible 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 major and consenting party. He would further submit that no custodial interrogation is required. He would lastly submit that charge sheet has been filed and applicant is in jail since 09/06/2015 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; role of the applicant and considering the fact that on the date of offence, prosecutrix was minor, 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