

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3560 of 2016

1. Anil Kumar Paradhi, S/o. Shyamlal Paradhi, aged about 21 years, R/o. Village- Daldali, Police Chowki- Giroudhpuri, P.S. - Gidhouri, District – Baloda Bazar (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the S.H.O., Police Chowki – Giroudhpuri, Police Station – Gidhouri, District – Baloda Bazar (C.G.)

---- Respondent

For Applicant	: Mr. S.K. Guha, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/07/2016

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.152/2015, registered at Police Station – Gidhouri, Police Chowki - Giroudhpuri, District – Baloda Bazar (C.G.) for the offence punishable under Section 363, 366, 306 & 376 of the I.P.C. and under Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 09.02.2015, the applicant allured the minor girl/victim, who is niece of the applicant took her away and kept in the forest and on the pretext of marriage committed forceful intercourse. Subsequently the applicant refused

to marry with the prosecutrix, therefore, she committed suicide by consuming poison on 13.03.2015. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and there is no evidence that the applicant has committed forceful intercourse. It is further submitted that date of incident is on 09.02.2015 and the date of consuming poison is on 13.03.2015, therefore, charges of abetment can not be clamped on the applicant, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the mother, wherein it is stated that the applicant took away the deceased and committed sexual intercourse subsequently refused to keep the deceased, therefore, she committed suicide. Further considering the facts and circumstance of the case and considering such statement, I am not inclined to release the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge