

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3289 of 2016

- Harish Yadav S/O Santosh Yadav Aged About 19 Years R/O Ward No. 01, Bhatapara, Thana - Saja, Distt. - Bemetara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Thana - Saja, Distt. - Bemetara Chhattisgarh

---- Respondent

For Applicant : Mr. Sameer Singh, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 30-12-2015 in connection with Crime No. 407 of 2015 registered at Police Station Saja, District Bemetara (CG) for the offence punishable under Sections 376, 506(B) of the IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 28-12-2015 a report was made that the applicant on the pretext of marriage had committed sexual intercourse with prosecutrix and when she became pregnant, the applicant refused to marry her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, it is a case of consent and report was made when the prosecutrix became pregnant. He would further submit that the charge-sheet has been filed in this case and the applicant is in jail since 30-12-2015, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Perused the statement of the prosecutrix, prima facie it appears that the prosecutrix was a minor at the time of incident, therefore, theory of consent cannot be developed.
7. Taking into consideration the facts of the case, nature and gravity of the offence and further considering the statement of the prosecutrix, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju