

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3996 of 2016

1. Ashok Khairwar, S/o. Ramprasad Khairwar, aged about 23 years, R/o. Gadgodli, Beechpara; Police Station – Trikunda, Revenue District – Balrampur, Civil District – Surguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. - Trikunda, Revenue District – Balrampur, Civil District – Surguja (C.G.)

---- Respondent

For Applicant : Mr. S.D. Singh, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/07/2016

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.52/2015, registered at Police Station – Trikunda, Revenue District – Balrampur, Civil District – Surguja (C.G.) for the offence punishable under 376 (2) (झ) (द) of Indian Penal Code and 6 of POCSO Act.
2. Case of the prosecution, in brief, is that the applicant on the pretext of marriage has committed sexual intercourse upon the victim/girl, who is aged about 14 years and that continued and lastly on 21.08.2015, the applicant refused to marry the victim.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the statement of the prosecutrix would show that she is a consenting party. It is submitted that charge-sheet in this case has been filed and the

applicant is in jail since 24.09.2015, therefore, 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 case diary and the statement of the victim, who is aged about 14 years. Taking into such statement and the age, she appears to be minor, therefore, the argument of consent advanced by the learned counsel for the applicant can not be appreciated at this stage as such I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge