

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.910 of 2016**

Arman Khan, son of Siyat Ali, aged about 30 years, Caste Muslim, resident of Behtadambhar Nagar, P.S. Kadar Chowk, District Badayun (U.P.) at present resident of Boregaon, Tahsil Keshkal, District Kondagaon (CG)

---Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station–Keshkal, Civil and Revenue District Kondagaon (CG)

---Non-applicant

For Applicant	:	Mr. Vishnu Koshta, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/03/2016**

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.173/2015, registered at Police Station-Keshkal, District-Kondagaon (CG), for the offence punishable under Section 376 of the IPC and Sections 4 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that on 28.12.2015 the present applicant committed sexual intercourse with the minor prosecutrix and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that there is no

medical evidence and the prosecutrix was major and consenting party. The applicant is in jail since 30.12.2015 and charge-sheet has already been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the prosecutrix was minor on the date of commission of offence.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and the fact that the prosecutrix is said to be minor on the date of commission of offence, I do not find any ground for grant of regular bail to the applicant. Consequently, bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-