

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3730 of 2016

1. Jaiveer Agariya S/o Deolal Agaria Aged About 19 Years R/o Bahraasi, P.S. Janakpur, District Korea, Chhattisgarh.
2. Jagu Lal Agaria S/o Sukhsen Agaria Aged About 45 Years R/o Karwa, P.S. Janakpur, District Korea, Chhattisgarh. ---
Petitioners

Versus

- State of Chhattisgarh through Incharge Police Station Janakpur, District Korea, Chhattisgarh. --- **Respondent**

For the applicant	:	Mrs. Usha Chandrakar, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 20/2016 registered at P.S. Janakpur, Distt. Korea (C.G) for the offence punishable under Sections 363, 366, 376(2)(d)(h)(m), 506 of IPC and Sections 4, 5, 6, 9, 10, 17, 19, 21 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was lodged by the father of prosecutrix on 24.01.2016 stating that he apprehends that the applicant has allured the prosecutrix and took her away. Subsequently when the prosecutrix was recovered, on investigation it was found that applicant No.1 took away the prosecutrix on the pretext of marriage and committed sexual intercourse and applicant No.2 being close relative has given shelter to applicant no.1 Jaiveer Agariya and the victim girl to commit such offence.
3. Learned counsel for the applicant would submit that false

allegations have been attributed to the applicants and no documents have been filed to show that the girl was minor on the date of incident, therefore, the applicants have been falsely implicated. He further submits that the charge sheet has been filed and looking to the detention period of applicants, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of girl who is shown to be 16 years and 8 months wherein the allegations have been attributed to applicant No.1 Jaiveer Agariya that on the pretext of marriage, he committed sexual intercourse with her. It is also stated that the victim was kept in the house of applicant No.2.
6. Considering the statement of the victim who is minor, I am not inclined to release applicant No.1 Jaiveer Agariya on bail. According his prayer for grant of bail is rejected.
7. With respect to applicant No.2 Jagu Lal Agaria the allegations levelled against him is that he has given shelter to applicant No.1 and the victim, therefore, considering the nature of allegations, I am inclined to release him on bail.
8. Accordingly, the bail application of applicant No.2 Jagu Lal Agaria is allowed and he is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE