

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.378 of 2016

Shambhu @ Sameer Kumar, S/o Aalekh Kumar, aged about 20 years, R/o VIP Road, Kalash Bangla, P.S. Telibandha, Raipur, Revenue & Civil District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, City Kotwali, Revenue & Civil District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Surfaraj Khan, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.51/2015, registered at Police Station City Kotwali, Raipur, for the offence punishable under Sections 363, 366, 376 (2) (i) of the IPC, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped minor prosecutrix aged about 14 years and committed rape with her against her will.
3. Learned counsel for the applicant would submit that the prosecutrix was major on the date of alleged incident which is apparent from the statements recorded under Sections 161 and 164 of the CrPC as well as the statement made before the Court on 15-9-2015 and also the statement made by the mother of the prosecutrix. The applicant is in

jail since 29-3-2015 and charge-sheet has already been filed.

4. On the other hand, learned State counsel would oppose the application and would submit that the girl was only 14 years of age on the date of offence.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, age of the prosecutrix said to be minor aged about 14 years on the date of offence, I am not inclined to grant bail to the applicant. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma