

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.574 of 2016

Nagesh Sonkar alias Anurag Sonkar, son of Pappu Sonkar, aged about 20 years, resident of Raja Talab, Near Shivmandir Raipur, PS Civil Line, Raipur, District Raipur (CG)

---Applicant

Versus

State of Chhattisgarh, through: the Police Station House Officer, Police Station Telibandha, Raipur, District Raipur (CG)

---Non-applicant

For Applicant	:	Mr. V.K.Pandey, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/02/2016

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.358/2015, registered at Police Station-Telibandha, District-Raipur (CG), for the offence punishable under Sections 363, 366 & 376 of the IPC read with Section 4 of the PASCO Act.

2. Case of the prosecution, in brief, is that the applicant kidnapped the minor prosecutrix aged about 17 years and committed forcible sexual intercourse with her.

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 the prosecutrix was major and consenting party and he has married with the

prosecutrix. He is in jail since 12.10.2015 and charge-sheet has already been filed and therefore, he deserves to 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 i.e. 17 years on the date commission of offence.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant; evidence available on record and the fact that the prosecutrix is alleged to have been minor on the date of commission of offence and material collected in support of her age, I am not inclined to release the applicant on regular bail. Accordingly, bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-