

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.525 of 2016**

Devanand Sahu, aged about 20 years, S/o. Shri Kanskumar Sahu, caste – Sahu, R/o.-Village Lulikasa, Police Station – Gaindatola, Rajnandgaon, Civil and Revenue Distt.Rajnandgaon (CG)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station – Gaindatola, Civil and Revenue Distt.Rajnandgaon (CG)

---Non-applicant

For Applicant	:	Mr.M.K.Bhaduri, Advocate
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/02/2016

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.59/2015, registered at Police Station-Gaindatola, District-Rajnandgaon (CG), for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 5 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that on 16.9.2015 the applicant committed forcible sexual intercourse with minor prosecutrix after kidnapping her 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

delay of five days in lodging the F.I.R., as incident took place on 16.9.2015 and F.I.R. has been lodged on 21.9.2015. The applicant is in jail for fairly long time and charge-sheet has already been filed and 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 on the date of commission of offence, the prosecutrix was 15 years and 9 months.

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; further taking into consideration the nature & gravity of offence; age of the prosecutrix who was minor on the date of commission of offence and material collected by the prosecution, I am not inclined to release the applicant on regular bail. Accordingly, bail application is rejected.

7. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-