

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.641 of 2016

Vivek Kurre, S/o Shyamsunder Kurre, aged about 19 years, R/o Village Khauna, Police Chowki Siliyari, Police Station Dharsinwa, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through its Police Station Dharsinwa, District Raipur, Civil-Revenue District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. B.L. Sahu, Advocate.
For Non-applicant:	Mr. Ajit Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/02/2016

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.403/2015, registered at Police Station Dharsinwa, Distt. Raipur for the offence punishable under Sections 363, 366, 376 of the IPC; Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 13-11-2015, the applicant kidnapped and committed sexual intercourse with the minor prosecutrix and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, the prosecutrix had love affair with the applicant and the applicant has been falsely implicated when he declined to marry her. Charge-sheet has been filed. The applicant is in jail since 10-12-2015.

4. On the other hand, learned State counsel opposes the application and submits that the prosecutrix was 15 years 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 and age of the prosecutrix who is said to be minor on the date of offence, I am not inclined to grant bail to the applicant. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma