

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 750 OF 2016**

Nilamber Yadav S/o Sedoram Yadav, aged about 21 years, R/o Village Amad, Police Station Jugad, (Paylikhand), Revenue and Civil District Gariyaband (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Police Station Paylikhand, District Gariyaband, (C.G.)

---Non-applicant

For Applicant	:	Mr. P. K. Patel, Advocate
For-Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/02/2016**

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. 04/2015, registered at Police Station Paylikhand, District Gariyaband, (C.G.), for the

offence punishable under Sections 363, 366, 376 of Indian Penal Code, under Sections 3(1)(12), 3(2)(5) of the Schedule Caste & Schedule Tribes (Atrocities), Act and Sections 4, 6 of the Protection of Children from the Sexual Offences Act.

2. Case of the prosecution, in brief, is that on 24/03/2015 applicant kidnapped Scheduled Tribe minor prosecutrix and committed sexual intercourse with her and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that she is major and consenting party and no medical evidence. He would further submit that no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 11/04/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

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; age of the prosecutrix and evidence available in the case diary, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge