

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.844 of 2016**

Dinesh Sagar, S/o Lalu Sagar, aged about 26 years, R/o Servent Quarter 2/A Street No.-47, Sector 10, Bhilai, P.S. Bhilai Nagar, Sector-6, Tehsil and District Durg, Civil and Revenue District Durg (C.G.)

---- Applicant.**Versus**

State Of Chhattisgarh Through : District Magistrate, District – Durg (C.G.)

-----Non-applicant

For Applicant: Mr. Sanjay Kumar Agrawal, Advocate.
For Respondent/State: Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 111/2015 registered at Police Station Pulgaon, District Durg for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 5(L) of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that applicant committed sexual intercourse with the prosecutrix after kidnapping her on the pretext of marriage and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to act of the applicant; and the applicant has already married with the prosecutrix and they lived together as husband and wife. He further submits that applicant is in jail since 11.08.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State submits the prosecutrix was minor on the date of commission of offence.

(5) Taking into consideration the facts & circumstances of the case, particularly age of the prosecutrix, who was minor on the date of offence and the material available in the case diary with regard to her age, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-