

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.863 of 2016**

Ashok Patel, aged 24 years, S/o Madho Ram Patel, R/o village-Gaurghat,
P.S. Arang, District-Raipur (CG)

---Applicant

Versus

State of Chhattisgarh, Through Police Station–Rajim, District-Gariyaband
(CG)

---Non-applicant

For Applicant	:	Mr. Shashi Kushwaha, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

09/03/2016

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.213/2015, registered at Police Station-Rajim, District-Gariyaband (CG), for the offence punishable under Sections 363, 366 & 376 of the IPC, Sections 4, 5(1) and 6 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that on 26.9.2015 the present applicant kidnapped the minor prosecutrix and thereafter committed sexual intercourse with her on the pretext of marriage.

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 two days in lodging the F.I.R. The applicant is in jail since

6.10.2015 and charge-sheet has already been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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, nature & gravity of the offence, role of the present applicant and the fact that the prosecutrix is said to be minor on the date of commission of offence, I do not find any ground for grant of regular bail to the applicant. Consequently, bail application is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-