

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 886 of 2016**

Hivraj, S/o Govind Ram, aged about 25 years, Caste-Vishvakarma (Lohar), R/o village: Banjari, Police Station Ambagarh Chowki, District Rajnandgaon (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through : Station House Officer, Police Station Ambagarh Chowki, District Rajnandgaon (C.G.)

-----Non-applicant

For Applicant: Mr. Abhishek Sharma, Advocate.
For Non-Applicant/State: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/03/2016**

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. 333/2014 registered at Police Station Ambagarh Chowki, District Rajnandgaon (C.G.) for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 4 & 8 of the Protection of Children from Sexual Offences Act, 2012.

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

(3) Counsel for the applicant submits that applicant has been

falsely implicated in the offence in question as he has not committed any offence. He further submits that the applicant is in jail since 02.02.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application and submits that prosecutrix was minor on the date of offence.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which the applicant committed sexual intercourse with the prosecutrix, who is said to be the minor on the date of offence, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-