

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1108 of 2016**

Mangal Ram Megwal, aged-25 years, S/o-Sojiram, R/o-Posana, P.S.-
Gudda, Tehsil, Civil & Revenue District-Jhunjhunu (Rajasthan)

---Applicant

Versus

State of Chhattisgarh through S.H.O., Police Station-Jarhagaon, District-
Mungeli (CG)

---Non-applicant

For Applicant	:	Mr. Anand Shukla, Advocate
For Non-applicant	:	Mr. D.R.Minz, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/03/2016

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.141/2015, registered at Police Station-Jarhagaon, District-Mungeli (CG), for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that on 3.9.2015 the present applicant kidnapped the minor prosecutrix and committed forcible sexual intercourse with her.

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 the applicant has already married with the prosecutrix and his case comes within the

meaning of Exception 2 to Section 375 of the IPC as sexual intercourse committed by him with his own wife on 3.9.2015 and as wife was more than 15 years of age is not rape.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that Exception 2 to Section 375 of the IPC is not attracted as the applicant has kidnapped the minor prosecutrix and committed sexual intercourse with her.

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, evidence about the marriage and age of the prosecutrix, who is said to be minor i.e. 15 years on the date of commission of offence, without further commenting upon merits, I do not find any ground for grant of regular bail to the applicant. Consequently, bail application filed on behalf of the applicant rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-