

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1468 OF 2016**

Rakesh Paikra S/o Suklal Paikra aged about 23 yers R/o
Kunjara Police Station Lailunga District Raigarh (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer
Police Station Lailunga District Raigarh (C.G.).

---Non-applicant

For Applicant	:	Mr. Ashish Gupta, Advocate
For-Non-applicant	:	Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/03/2016**

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. 267/2015, registered at Police Station Lailunga, District Raigarh (C.G.), for the offence punishable under Sections 363, 366, 376 of I.P.C. & Sections 8 and 6 of Protection of Children from Sexual

Offence Act, 2012.

2. Case of the prosecution, in brief, is that, on 17/12/2015 applicant kidnapped the minor prosecutrix and on the pretext of marriage, 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 prosecutrix is major and consenting party. He would further submit that applicant is in jail since 27/1/2015, therefore, he may be released on bail.

4. 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 the fact that she is minor on the date of

offence, 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