

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1652 OF 2016**

Ravi Kumar S/o Ram Prasad Yadav aged about 26 years
R/o Daldhova Dhartidamar P.S. Balrampur District
Balrampur C.G.

---Applicant**Versus**

State of Chhattisgarh through Police Station Balrampur
District Balrampur C.G.

---Non-applicant

For Applicant	:	Mr. Ayaz Naved, Advocate,
For-Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/03/2016**

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. 56/2015, registered at Police Station Balrampur, District Balrampur (C.G.), for the offence punishable under Section 376(2) of the Indian

Penal Code, Sections 3(1)(12), 3(2)(5) of Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act and Sections 5(1) and 6 of Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that, one year prior to the date of FIR i.e. 24/04/2015, applicant committed sexual intercourse with the minor prosecutrix, who is a member of scheduled tribe 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 there is delay of one year in lodging the FIR. He would further submit that applicant and prosecutrix having love affair with each other and she is pregnant. He would lastly submit that applicant is in jail since 30/10/2015, 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 and age of the prosecutrix, who is said to be 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. However, the trial Court is directed to expedite the trial.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge