

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1509 of 2016**

Sunil Kashyap @ Lauwa, aged 21 years son of Rambabu Kashyap,
resident of village Gokuldham Ghuru, Police Station Chakarbhata, Tahsil
& District Bilaspur (CG)

---Applicant**Versus**

State of Chhattisgarh Through the Police Station Chakarbhata, District-
Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Ritesh Verma, Advocate
For Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/04/2016**

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.301/2015, registered at Police Station-Chakarbhata, District-Bilaspur (CG), for the offence punishable under Sections 363, 366, 376 of the IPC, Sections 4, 6 of the Protection of Children from Sexual Offences Act and Sections 3 (2) (v) and 3 (1) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act.

2. Case of the prosecution, in brief, is that on 17.9.2015 the applicant committed forcible sexual intercourse with Scheduled Caste minor prosecutrix and thereby committed the offences.

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 prosecutrix was major and consenting party, the applicant is in jail since 26.9.2015 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 manner in which the applicant is said to have been committed forcible sexual intercourse with Scheduled Caste minor prosecutrix, I do not find any ground for grant of regular bail to the applicant. Consequently, bail application filed on behalf of the applicant is rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-