

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1685 of 2016**

Badri Prasad Sidar @ Lamboo @ Rajput, S/o Shri Pardeshi
 Ram Sidar, aged about 22 years, R/o Village : Pandripani
 Police Station Malkharoda, Distt. Janjgir-Champa (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through : District Magistrate, Korba,
 Police Station : Urga, District Korba (C.G.)

-----Non-applicant

For Applicant: Mr.S.V. Purohit, Advocate.
 For Non-applicant/State: Mr. Neeraj Kumar Sharma, Dy. Govt.
 Advocate.

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

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.139/2013 registered at Police Station Urga, District Korba for the offence punishable under Sections 363,366 & 376(g) of Indian Penal Code & Section 6 of Protection of Children from Sexual Offence Act.

(2) Case of the prosecution, in brief, is that applicant kidnapped the minor prosecutrix and committed sexual intercourse with her against her will and thereby committed the offence.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence; there is delay in lodging the FIR; applicant is in jail 27.11.2014 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; nature and gravity of the offence; role of the applicant in the offence in question; and the manner in which the applicant is said to have committed rape with the prosecutrix, who is said to be the minor on the date of offence, after kidnapping her; I am not inclined to release the applicant on bail. Thus, the bail application is rejected. However the trial Court is directed to conclude the trial expeditiously preferably within a period of four months from the date of receipt of certified copy of this order.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-