

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2188 of 2016**

Karan Kosre S/o Hiralal Kosre Aged About 22 Years R/o Village Bhothali, Satnamipara, Thana Nagri, District Dhamtari, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Police Station Kanker, District Kanker, Chhattisgarh.

---Non-applicant

For Applicant	:	Mr. Parag Kotecha, Advocate.
For-Non-applicant	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/04/2016**

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. 255/2015, registered at Police Station Kanker (C.G.), for the offence punishable under Sections 363, 366, 376 (2) (i) (n) of IPC and Section 6 of the Prevention of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that on 26.7.2015 the applicant is said to have committed criminal penetrated sexual assault on the minor prosecutrix after kidnapping her and thereby committed the 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 has been examined before the trial Court and she has not supported the case of the prosecution. The applicant is in jail since 29.07.2015 and no useful purpose would be served by keeping

him in jail. He prayed for releasing the applicant on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that the prosecutrix was minor on the date of offence.

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; the age of the prosecutrix who is said to be aged about 16 years on the date of offence and the material collected by the prosecution, 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

S/-