

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2257 of 2016**

- Prasang Singh, S/o Balinder Singh, aged about 19 years, caste-Gond, R/o Vilklage: Porikhurd, Police Station – Darima, Tahsil – Ambikapur, District Surguja (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station AJAK, District Surguja (C.G.)

---- Non-applicant

For Applicant: Mrs. Madhunisha Singh, Advocate.
For Non-applicant/State: Mr. O.P. Sahu, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/05/2016**

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. 03/2016 registered at Police Station AJAK, District Surguja (C.G.) for the offence punishable under Sections 376 & 417 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that one year prior to the date of FIR i.e. 8.1.2016 applicant committed sexual intercourse with the prosecutrix on the false pretext of marriage and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to act of the applicant. He further submits that applicant is in jail since 29.01.2016 and the charge sheet has already been filed and, therefore, the applicant is entitled to be released on bail.

(4) On the other hand, learned counsel for the State submits that the prosecutrix was minor on the date when the offence was committed and, as such, she has completed 18 years of age one year prior to the date of logment of FIR i.e. 8.1.2015 and she has also been subjected to abortion and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the nature & gravity of the offence, facts & circumstances of the case; role of the applicant in the offence in question; age of the prosecutrix and the manner in which on the pretext of marriage, prosecutrix was subjected to sexual intercourse by the applicant, by which she became pregnant, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-