

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3367 of 2016

Lainuram Mahilange, S/o. Late Johitram Mahilange, Aged About 24 Years,
Caste Satnami, R/o. Village Bandabhara, Police Station - Hasaud, Civil &
Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - Police Station - Hasaud, Civil & Revenue
District Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Deepak Kumar Singh, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.06/2015 registered at Police Station- Hasaud, Civil & Revenue District Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made on 11.01.2015 that the girl/victim who is minor was missing. Subsequently, the girl was recovered on 18.12.2015 and on investigation, it was found that without the consent of the girl, she was taken away from the natural guardianship of her mother & father and thereafter the applicant committed forceful sexual intercourse with her.

3. Learned counsel for the applicant would submit that the FIR is delayed by 11 days and the applicant has been falsely implicated as the girl was 17 years and she herself has went alongwith the applicant, therefore, under the facts and circumstances and taking into fact that no further evidence is required, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the girl/victim wherein forceful sexual assault has been alleged. Considering such statement of the girl, who appears to be minor, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge