

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6753 of 2016

- Krishna Kumar Chaubey S/o Shiv Kumar Chaubey Aged About 29 Years
R/o Sohga Junapara, Police Station Darima, District Surguja Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Darima, District Surguja Chhattisgarh

---- Respondent

For Petitioners : Shri Shakti Raj Sinha, Advocate
For Respondent/State: Shri Chandresh Shrivastava, PL

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2016

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.90/2016 registered at Police Station Darima, District Surguja for the offence punishable under Section 313, 305, 376(2)(n) of IPC, Section 5 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989. The applicant has been arrested on 24-06-2016.

3. Case of the prosecution is that the applicant was having affair with the prosecutrix, he committed sexual intercourse with her and thereafter, she was aborted and when the applicant denied to marry with the prosecutrix, she committed suicide.

4. Learned counsel for applicant submits that the case of the prosecution is very weak, as it would be difficult for the prosecution to prove that the applicant has committed sexual intercourse with the prosecutrix. It is submitted that the age of the prosecutrix is stated to be 17 to 18 years without any cogent

evidence except the school certificate. It is lastly submitted that the investigation is complete, charge sheet has been filed and the applicant is not likely to abscond, therefore, in these circumstances, he may be granted bail.

5. On the other hand, learned State counsel opposes the prayer for grant of bail on the submission that the report of Handwriting Expert received during investigation would reveal that the suicidal note was written by a minor girl, in which, she has made allegation against the applicant that she was subjected to sexual intercourse by the applicant and when she became pregnant, she was aborted and thereafter, the applicant denied to marry with the prosecutrix, then she committed suicide.

6. Taking into consideration the nature and gravity of allegation, I am not inclined to grant bail.

7. Accordingly, the application is rejected.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E