

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4795 of 2016

Shivsan Thakur @ Lallu Thakur, S/o. Tejlal, Aged About 23 Years, R/o. Village Sirsi, Police Chouki Basdei, P.S. Surajpur, District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O., Police Chouki Korbi, P.S. Pasan, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Ms. Meena Shastri, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.09.2016

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.94/2015 registered at Police Chouki Korbi, Police Station Pasan, District Korba (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the father of the prosecutrix that the applicant enticed away his minor girl on the pretext of marriage and thereafter committed sexual intercourse for which a report was made on 15.12.2015. Subsequently, when the girl was returned after investigation the case has been registered.
3. Learned counsel for the applicant would submit that the girl and the applicant both were in love relation and the girl has gone with the applicant of her own and the age is also not proved, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of the prosecutrix. Considering the statement of the prosecutrix, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed. However, taking into the background of the case, the Trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge