

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5272 of 2016

- Ramakant Mahilange S/O Manoj Mahilange Aged About 23 Years
R/O Village Pendraavan, Police Station Dhamdha, Tahsil Dhamdha,
District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station
Dhamdha, District Durg, Chhattisgarh

---- Respondent

For Applicants : Mr. Praveen Dhurandhar, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-09-2016

1. This is 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 on 8-6-2016 in connection with Crime No. 186 of 2016 registered at Police Station Dhamdha, District Durg (CG) for the offence punishable under Section 376 of the IPC and Section 5 (L) and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 8-6-2016 a report was made by the prosecutrix that on 7-6-2016 the applicant on the pretext of marriage has forcibly committed sexual intercourse with her and thereafter he refused to marry her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant and the prosecutrix were in love relation and the girl was aged in between 17 to 18 years. He would further submit that the prosecutrix herself went to the applicant to Dongargarh and this fact is known to the family members of the prosecutrix and thereafter a report was made against the

applicant. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 8-6-2016 and no further investigation is necessary, therefore, he may be released on bail

4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Perused the statement of the prosecutrix recorded under Section 161 of the Cr.P.C., which would show that on the pretext of marriage the girl was subjected to sexual exploitation and thereafter the applicant refused to marry her.
7. Taking into consideration the facts of the case, nature and gravity of the offence and further considering the statement of the prosecutrix in which positive allegations have been attributed to the applicant, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju