

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6217 of 2016

- Abdul Khan @ Monu S/O Ashraf Khan Aged About 19 Years R/O Sonaringhat Champa Thana, Tahsil Champa, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Thana Prabhari, Aarkshi Kendra- Champa, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abdul Wahab Khan, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-10-2016

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 on 10-12-2015 in connection with Crime No. 402 of 2015, registered at Police Station Champa, District Janjgir -Champa (CG) for the offence punishable under Sections 376 and 506 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, a report was made by the prosecutrix aged about 13 years that on 9-12-2015 the applicant on the pretext of marriage had 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 has been falsely implicated in the case, the victim girl was in love relation with the applicant and she was a consenting party to

the entire incident, therefore, no case is made out. He would further submit that the charge-sheet has been filed in this case, he is in jail since 10-12-2015 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix who is aged about 13 years recorded under Sections 161 and 164 of the Cr.P.C., wherein positive allegations have been attributed to the applicant.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering the statement and age of the prosecutrix, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju