

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7805 of 2016

Hitesh Agrawal S/o Hemchand Agrawal Aged About 23 Years Caste Agrawal,
R/o Village Pali Road Dipka, Police Station Dipka, District Korba, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station Kusmunda District Korba,
Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anurag Khatri, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy.Govt. Advocate

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

Order On Board

20/12/2016

Heard.

1. The applicant has been arrested in connection with Crime No.187 of 2016 registered in Police Station- Kusmunda, District- Korba (C.G.) for the alleged commission of offence under Section 306 read with Section 34 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant and co-accused compelled the prosecutrix to accept their lust and desire for sex and later on she was subjected to sexual intercourse and then on the threat that if she does not accept their repeated demands, the obscene video prepared would be uploaded in the Internet. The deceased was harassed and sexually exploited so much so that she committed suicide.
3. Learned counsel for the applicant submits that in so far as present applicant is concerned, he has not committed the offence. He submits that according to suicidal note, the present applicant was only having love affair with the

deceased and if other accused has threatened the prosecutrix and compelled her succumb to their pressure, the applicant is not responsible.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that the girl was a minor one and the way she was sexually exploited by the applicant and another accused, the applicant is not entitled to bail.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the nature and gravity of offence alleged, I am not inclined to grant bail to the applicant.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge