

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1712 of 2017

Akash Singh S/o Jaykishore Singh, Aged About 19 Years Residing At
Indira Awash Para, Village Bade Marenga, Police Station Frezerpur
(Parpa) Revenue & Civil District Bastar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Parpa, District
Bastar, Chhattisgarh.

---- Respondent

For applicant	Mr. P.K. Tulsiyan, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

28/03/2017

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 173/2016 registered in PS Parpa, Distt. Bastar, CG for offence punishable under Section 363, 366(A) and 109, IPC. Charge sheet has been filed before Chief Judicial Magistrate, Janjgir Champa and the case is not yet committed.
3. Learned counsel for the applicant submits this is first bail application. The applicant has no previous criminal antecedent. The applicant has not committed any act of rape with the prosecutrix. Mother of the applicant had sent the prosecutrix to her parents' house. Co-accused were granted bail vide order dated 1-3-2017 passed in M.Cr.C. No. 1008/2017 by the coordinate bench. As per certificate granted by the concerned Kotwar, the prosecutrix was major. With this, the applicant may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the argument advanced by learned counsel for the applicant.
5. Perused the case diary.
6. Annexure A-2 the certificate along with copy of the birth detail given under the seal and signature of Kotwar is not admissible in evidence as the birth and death is recorded by the Registrar, Birth and Death and since this is not the authenticated copy received under RTI or any other legislation, prima facie no importance can be attached to the said certificate.
7. Co-accused Mohnish is not the main accused. Applicant is the main accused. He has taken ultimately the minor prosecutrix under the pretext of illicit marriage.
8. On entire consideration, grant of bail to co-accused Mohnish is not a ground for releasing the present applicant on bail. Consequently I am not inclined to allow the bail applicant. Hence the same is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge