

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2815 of 2017

- Narayan Prasad @ Naru S/o Lakhanlal, Aged About 20 Years, R/o Village- Tulsi, Police Station- Nevra, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Nevra, Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vikram Singh, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

07-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.87/2017 on 05-3-2017 by P.S. Nevra, Raipur, District Raipur, C.G. for the offence under Section 366, 376 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012 (in short 'the Act, 2012'). After investigation police had filed the charge sheet, which is pending before the 9th Additional Sessions Judge/Special Judge under the Act, 2012 (FTC) Raipur, C.G. Learned counsel for the applicant is not aware of the Special Criminal Case (under the Act, 2012). Learned counsel for the applicant would submit that as per the written report dated 04-3-2017, the incident is about two years old; there is delay in lodging the FIR. Charge sheet has been filed. Hence, the applicant may be enlarged on bail.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant.
4. Perused the entire material.
5. As per the material collected, the date of birth of the prosecutrix is 25-06-2000 and the incident committed somewhere in the month of March 2015, it goes to show that the prosecutrix was child under the definition of Section 2

sub-section (1)(d) of the Act, 2012. Looking to the substance in the written report and other facts, I am not inclined to grant bail to the applicant.

6. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE