

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4520 of 2017**

- Rahul Sahu @ Rohit S/o Shri Govardhan Sahu, Aged About 25 Years R/o Rishikesh Nagar, Kota, Police Station Saraswati Nagar, Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Though Police Station Saraswati Nagar, Raipur (CG)

---- Respondent

For Applicant : Shri Pawan Kesharwani, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.8.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.136/2017 registered in Police Station Saraswati Nagar, Distt. Raipur (CG) for the offence punishable under Section 376(2)n of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

3. Learned counsel for the applicant submits that the applicant has been arrested on 03.11.2016, after investigation, Police has filed charge sheet which is pending before Special Judge under the POCSO Act, Raipur as Special Criminal POCSO

No.322/2016. Learned counsel for the applicant would submit that as per the allegation, the applicant made sexual relationship with the prosecutrix, aged about 19 years, in the pretext of marriage and when he denied for the marriage, the prosecutrix lodged FIR on 02.11.2016. Considering the above facts, the applicant may be enlarged on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that police has collected dakhil Kharij register in relation with the age of the prosecutrix and as per the entries in the register, the date of birth of the prosecutrix is 06.7.1998 and the date of incident is shown as from 01.01.2013 till 25.10.2016 and the prosecutrix was minor at the time of initial incident. Considering the above facts, the application for bail may be dismissed.

5. Perused the entire material.

6. On perusal of the entire material collected against the applicant in the charge sheet with the fact that the prosecutrix was a child under Section 2(1)d of the POCSO Act, and also considering the entire material, without commenting anything on its merits, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE