

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 719 OF 2018**

Mithun Varda @ Sekhar, aged about 18 years, S/o Late Rama Varda, permanent resident of Village Katul, P.O. Bakul Vahi, P.S. Narayanpur, Dist.Narayanpur (CG) Present resident of Shanti Nagar, P.S. Narayanpur, Dist. Narayanpur (CG)

---Applicant

Versus

State of Chhattisgarh, through the Police Station Narayanpur, Dist. Narayanpur

---Non-applicant

For Applicant	:	Mr.Raza Ali, Advocate
For-Non-applicant	:	Mr.Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/04/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 71/2016, registered at Police Station-Narayanpur, District-Narayanpur (C.G.), for the offence punishable under Sections 363, 366, 376 of the IPC and Section 6 of the Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that, on the applicant has committed rape with minor prosecutrix on 29.6.2016.
3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that the prosecutrix has been examined and she has turned hostile and not supported the case of the

prosecution. The applicant is in custody since 22.10.2016.

4. Learned State Counsel would oppose the bail application and submit that POSCO Act has also been registered against the applicant and he is being tried for the aforesaid offence. He would further submit that the prosecutrix was minor on the date of incident.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, age of the prosecutrix and considering the fact that offence under the provisions of the POSCO Act has also been registered, this Court is not inclined to release the applicant on regular bail.

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

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-