

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 619 of 2018**

Mohd. Sohail @ Subodh Singh, S/o Late Shri Kailash Prasad Singh, Aged about 32 years, R/o Post Raghunathpur, P.S. Taaipur, District Samastipur, Bihar. Presently resided at Aviva Green City, Village – Dunda, P.S. Mujgahan, Tahsil & District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Mujgahan, District Raipur (C.G.)

---- Non-applicant

For Applicant	:	Mr. Atanu Ghosh, Advocate.
For Non-applicant/State	:	Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/04/18**

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.127/2016 registered at Police Station Mujgahan, District Raipur (C.G.) for the offence punishable under Sections 376, 506 read with Section 34 of the Indian Penal Code and Sections 3(a) & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution in brief is that the applicant committed rape with minor prosecutrix and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence, he has been falsely implicated in crime in

question. The applicant is in custody since 24-01-2017, charge-sheet has already been filed and no useful purpose will be served by detaining him in jail, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State while opposing the bail application would submit that the prosecutrix is a minor on the date of offence and there is overwhelming evidence available against the applicant.

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, further taking into consideration the nature and gravity of the offence and age of the prosecutrix, I do not consider it a fit case for grant of regular bail to the applicant. Accordingly, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge