

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 611 of 2018**

Amrit Haldar, S/o Dharendra Haldar, Aged about 23 years, R/o Sargawa, P.S.
Gandhi Nagar, District Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station
Gandhi Nagar, District Surguja (C.G.)

---- Non-applicant

For Applicant	:	Mr. Jitendra Shrivastava, Advocate.
For Non-applicant/State	:	Mr. Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****22/03/18**

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.316/2017 registered at Police Station Gandhi Nagar, District Surguja (C.G.) for the offence punishable under Sections 363,366,376 (2)(Dha) of the Indian Penal Code and Sections 4,5 (Tha) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution in brief is that on 04-09-2017, the applicant has abducted and committed sexual intercourse with a 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. It is further submitted that the prosecutrix has not lodged any FIR

but her father has lodged the FIR on 13-09-2018 with a delay of 9 days. The applicant is in custody since 02-10-2017, 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 appearing for the State while opposing the bail application, submitted that the prosecutrix was a minor on the date of offence with whom the applicant has committed aforesaid offence, therefore, the applicant is not entitled for bail.

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 particularly the prosecutrix was minor on the date of offence, 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