

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.141 of 2018

- Panchanan Singh S/o Tibhali, Aged About 19 Years Khairwar R/o Chaki Magartola P. S. Ramanujganj District Balrampur Ramanujganj Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Ramanujganj District Balrampur Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri A. K. Prasad, Advocate.

For the Respondent/State : Shri Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13.03.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 116/2016, registered at Police Station – Ramanujganj, District – Balrampur, (C.G), for the offences under Section 363, 366, 376 (2) (n), 506 B, of the Indian Penal Code, and Sections 5 (ठ) and 6 of Protection of Children From Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 01.12.2016. The prosecutrix in this case is major, her age is above 18 years and she was a consenting party, FIR was lodged after 04 days from the date of incident. No case is made out against this applicant, on the basis of material

present in the charge- sheet, hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that the age of prosecutrix on the date of incident was below 18 years, she was exploited sexually by the present applicant, hence, the applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The allegations against the present applicant is that on 25.11.2016, this applicant abducted the prosecutrix and committed rape with her four times during night, and then fled from the spot. The prosecutrix being afraid and went to the house of her friend and when she come back to her house, she narrated the story to his father. After lodging of FIR the case has been registered.
6. Considering the submissions made, contents of the case diary and also considering the age of the prosecutrix, being below 18 years on the date of incident, there is sufficient evidence against the present applicant, hence, looking to the facts present in the case are also considering the nature of allegation against this applicant, no case is made out for grant of bail, therefore, the bail application is not liable to be allowed.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd /-
(Rajendra Chandra Singh Samant)
Judge