

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1523 of 2018

Ashok Kumar Dubey, S/o Virendra Dubey, aged about 28 years, R/o Kakrahi (Diha), Police Station & Tahsil Madiyahu, District Jaunpur (U.P.)

---- Applicant
(In Jail)

Versus

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

---- Non-applicant

For Applicant:	Mr. Shrawan Agrawal, Advocate.
For Non-applicant:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/04/2018

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.191/2017, registered at Police Station Mahasamund, Distt. Mahasamund, for the offence punishable under Sections 363, 366-A, 376 the IPC and Section 6 of the Protection of Children form Sexual Offences Act.
2. Case of the prosecution, in brief, is that the applicant abducted the minor prosecutrix and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated, in fact, there is conspiracy against the applicant and the prosecutrix has been examined before the Court. No useful purpose will be served by keeping the applicant in jail.
4. On the other hand, learned State counsel opposes the application

and would submit that the prosecutrix was minor on the date of offence and in her statement before the Court also her age has been recorded as 13 years.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and age of the prosecutrix on the date of offence, I am not inclined to grant bail to the applicant. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma