

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3608 of 2018**

- Pawan Ram, S/o Madwari Ram Nageshia, aged about 20 years, R/o village Dumardih, Police Station Dhaurpur, District Surguja (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through : In-Charge of Police Station, Dhaurpur, District Surguja (C.G.)

---- Respondent

For Applicant	:	Ms. Priyanka Mehta, Advocate
For Respondents/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****03.08.2018**

1. The applicant has preferred this application under Section 439 of the Cr.P.C. for grant of regular bail as he has been arrested on 14.09.2017 in connection with Crime No. 50/2017 registered in Police Station Dhaurpur, District Surguja (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n) & 344 IPC and also under Section 5 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO).
2. Case of the prosecution is that on the date of incident prosecutrix was returning to her home after purchasing some goods from the shop and on the way she was forcibly taken by the applicant to his house where he kept her for about 2 months and has committed intercourse with her. Further prosecution story is that he took her to Ambikapur on the pretext of marriage with her. According to the prosecution, the prosecutrix is minor and is 16 years old, and therefore, the aforesaid offences have been registered against the applicant.

3. Ms. Priyanka Mehta, learned counsel for the applicant submits that the applicant has been falsely implicated in connection with the aforesaid crime. She submits further that the prosecutrix in her statement recorded under Section 164 of the Cr.P.C. has not stated anywhere that she was subjected to physical relationship by the applicant. She submits further that the incident took place on 12.07.2017 whereas the first information report has been registered on 25.7.2017, and therefore, the applicant is entitled to be enlarged on bail, particularly, when he is in jail since 14.09.2017.

4. On the other hand, Shri Aditya Sharma, learned Panel Lawyer for the State opposes the bail application while stating that the prosecutrix is minor and was forcibly taken by the applicant to his home and has committed the alleged offence, and therefore, he does not deserve to be enlarged on bail.

5. I have heard learned counsel for the parties and perused the relevant papers annexed with this bail application.

6. Having considered the facts and circumstances of the case and that by considering the age of the prosecutrix, who is minor at the time of incident, therefore, it is difficult to hold at this stage that her age could be taken as 18 years, particularly when entire evidence has to be adduced by the prosecution. As a consequence, I am not inclined to enlarge the applicant on bail.

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

Sd/-
(Sanjay Agrawal)
Judge