

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5716 of 2019**

- Sumit Lakda @ Rahul Lakda Son Of Punit Kumar Lakda Aged About 17 Years Aged About 17 Years (Now 19 Years) R/o Near Shiv Mandir, Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Police Station Gandhi Nagar, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant.	:	Shri P.K. Patel, Advocate.
For Respondent/State	:	Shri Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.12.2019**

1. Pursuance to order dated 06.11.2019 of this Court, informant of the case namely, Kebin Ekka is present today. On being asked, he has made his objection regarding grant of bail to the applicant.
2. His presence be marked.
3. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 131/2017 (as per challan) registered at Police Station : Gandhi Nagar District Surguja (C.G.) for the offence punishable under Section 363, 366, 376(2)(N) of IPC and Section 5L/6 of the Protection of Children From Sexual Offences Act, 2012.

4. As per the prosecution case, the present applicant has abducted the prosecutrix and committed sexual intercourses with the prosecutrix. Thereafter, offence has been registered against the applicant and he was arrested.
5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that applicant is in jail since 29.04.2017 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
6. On the other hand, State counsel as well as complainant opposes the bail application and submits that on the date of commission of offence the prosecutrix was aged about 13 years 11 months old.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, objection of the complainant, in particular the age of the prosecutrix, at this stage, I am not inclined to release him on bail.
9. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge