

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.768 of 2020

- Sanjay, S/o Shri Devchand, Aged About 20 Years, R/o Kurludih, P. S. Sanawal, District Balrampur – Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Incharge, P.S. Sanawal, District Balrampur Ramanujganj, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Ms. Soniya Kuldeep, Advocate
Shri K. K. Singh, GA

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

15/09/2020

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.76/2018, registered at Police Station Sanawal, District Balrampur - Ramanujganj (C.G.) for the offence punishable under Sections 363, 366 (A) & 376 (2) (n) & 506 of IPC and Section 4 of the POCSO Act.
2. The applicant abducted and committed sexual intercourse with the prosecutrix, aged less than 16 years, on promise to marry.
3. It is argued that the FIR is delayed by 7 days and the prosecutrix was found moving with the applicant on a motor bike, therefore, the applicant is entitled for bail.

4. Mere delay in lodging the FIR would not dilute the prosecution case at this stage when this Court is considering the applicant's prayer for grant of bail. In cases where the prosecutrix is less than 16 years of age, the effect of delay in lodging FIR on the prosecution case shall be seen at the trial stage and not at this stage.
5. Considering the nature of allegations and the age of the prosecutrix, this Court is not inclined to release the applicant on bail.
6. Accordingly, the bail application is dismissed, however, liberty is reserved to revive the prayer after examination of the prosecutrix.

Sd/-
Prashant Kumar Mishra
Judge

Nirala