

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Order reserved on 30-09-2020

Order delivered on 08-10-2020

MCRC No. 5352 of 2020

1. Kishor Kudiya S/o Panduram Aged About 21 Years
Residing At Village Chintanpalli Talabpara P.S. Toynar
District Bijapur, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through- The Police Station Bijapur,
District Bijapur, Chhattisgarh

---- Respondent

For Applicant Mr. P.K. Tulsyan, Advocate

For Respondent /State Mr. Anand Verma, Dy. G.A.

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.32/2020, registered at Police Station Bijapur, District Bijapur (CG), for the offence punishable under Sections 376, 363, 368 and 342 of the I.P.C. and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

3. As per the prosecution case the applicant abducted and committed forcible sexual intercourse with the prosecutrix, aged about 13 years.
4. Learned counsel appearing for the State would oppose the bail application.
5. Although the prosecutrix has not objected to the bail application by appearing through the Video Conferencing (VC) Centre of DLSA, Dantewada, but considering her diary statement; 164 Cr.P.C. statement; and particularly considering the age of the prosecutrix, this Court is not inclined to grant bail to the applicant.
6. Accordingly, the bail application is rejected. However, the applicant would be at liberty to move again after examination of the prosecutrix.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri