

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.8117 of 2021

- Sunil Sen, son of Late Munsu Ram Sen, aged about 20 years, R/o village Kutipara, Paragaon, Police Station Gobra Navapara, District Raipur (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Police Station- Gobra Navapara, District Raipur (CG).

....Non-applicant

For Applicant	:	Mr. D. Kushwaha, Advocate
For Non-applicant	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

25.11.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 18.8.2021 in connection with Crime No.206/21 registered at Police Station Gobra Navapara, Raipur (CG) for commission of offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that father of prosecutrix lodged report on 5.7.2021 stating that prosecutrix had left the house without informing anyone. During the course of investigation, prosecutrix was recovered on 16.7.2021 and based on her statement, crime in question is registered against applicant and he was arrested.
3. Mr. D. Kushwaha, learned counsel for applicant would submit

that applicant has not committed any offence as alleged. Prosecutrix was a consenting party and established physical relationship with applicant with her own will. Applicant is in jail since 18.8.2021, hence he may be released on regular bail.

4. Per contra, Mr. Vinod Tekam, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that applicant established physical relations with minor prosecutrix (less than 16 years of age) on false pretext of marriage, hence he is not entitled to regular bail.
5. Prosecutrix along with her father is virtually present before this Court through Help Desk of District Legal Services Authority Raipur. She submits that she has objection in grant of bail to applicant.
6. I have heard learned counsel for both sides.
7. Taking into consideration nature of allegations levelled against applicant, age of prosecutrix which is less than 16 years, I am not inclined to grant regular bail to applicant. Accordingly, bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-