

(2018) 07 CHH CK 0128

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 3377 Of 2018

Aap Pradeep Chatuvarvedani

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: July 2, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 363, 366, 376, 506
- Code Of Criminal Procedure, 1973 - Section 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 4, 6

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Kamlesh Kumar Pandey, Avinash Singh

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 169/2017, registered at Police Station Urla (C.G.) for the offence punishable under Sections 366, 363, 376, 506 of the Indian Penal Code and Section 4 / 6 of the Protection of Children From Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that, the applicant has committed sexual intercourse with the minor prosecutrix and thereby committed the offence under the aforesaid sections.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and has not committed any offence.

He further submits that the applicant is in custody since 23.08.2017 and charge-sheet has been filed and the statement of prosecutrix has been recorded in which she has not supported the case and the medical evidence has also not supported the case of the prosecution and also the trial is likely to take some time for its final disposal, therefore he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the present applicant; statement of the prosecutrix recorded in the Court, and also the age of the prosecutrix, I do not consider it a fit case, in which, the applicant should be enlarged on regular bail.

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

Certified copy as per rules.