

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5844 of 2015

Dinesh Kumar Panika S/o Bund Lal Panika, Aged About 23 Years
R/o Village Jhinpuri, O. P. Korbi, P. S. Pasan, Distt. Korba
(Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Pasan, Distt.
Korba

---- Respondent

For applicant - Shri Ravindra Agrawal, Advocate.
For Respondent/State – Shri Satish Gupta, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/11/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 34/2015 registered in Police Station Pasan, Distt. Korba (C.G.) for offence punishable under section 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case on 16/06/2015 the prosecutrix who was aged about 17 years lodged a report that applicant committed rape on her on the pretext of marriage and developed sexual relationship with her whereby she became pregnant and delivered a female child. Thereafter, applicant refused to marry her. Consequently, a report was lodged.
3. Learned counsel for the applicant submits that applicant is in jail since one year and with the consent of the prosecutrix, the relationship

developed and according to the ossification test, age of the prosecutrix was more than 18 years , therefore applicant may released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Having regard to the fact prima facie prosecutrix is shown to be about 17 years and ossification test are to be ascertained at the time of evidence, taking into account nature of allegations, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE