

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.809 of 2015**

1. Ramavtar Kosle & Ors. S/o Dhalgan Kosle Aged About 50 Years
2. Ramratan Kosle S/o Dhalgan Kosle Aged About 40 Years
3. Rajkumar S/o Radheshyam Kosle Aged About 38 Years

Applicants No.1 to 3 are R/o Daija, Police Station - Takhatpur, District - Bilaspur (Chhattisgarh).

4. Rakesh S/o Mannulal Lasker Aged About 30 Years R/o Sarwan Devri, Police Station -Ratanpur, District - Bilaspur (Chhattisgarh).

---- Petitioner

Versus

State Of Chhattisgarh Through : The Station House Officer, Police Station - Takhatpur, District - Bilaspur (Chhattisgarh).

---- Respondent

For Petitioners	:	Shri Goutam Khetrapal, Advocate
For Respondent/State	:	Ashok Swarnkar, Panel Lawyer

Order On Board**14/09/2015**

The applicants have preferred this application under Section 438 of Cr.P.C., apprehending their arrest in connection with Crime No.205/2013, registered at Police Station Takhatpur, District Bilaspur for alleged commission of offence under Sections 363, 366, 34, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is alleged that the applicant and other accused are involved in kidnapping and thereafter, minor girl was subjected to rape.

3. Learned counsel for the applicant submitted that the applicants have been involved at subsequent point of time on afterthought. They were not named initially when the FIR was lodged, but only after recording the statement of victim under

Section 161 of Cr.P.C. and later on, statement made in her deposition in the Court, the applicants have been made accused under the provisions of Section 319 of Cr.P.C.

4. On the other hand, learned State counsel submits that the prosecutrix, a minor girl, not only stated before the Magistrate in her statement under Section 164 Cr.P.C. but also in her statement recorded under Section 161 Cr.P.C. during investigation regarding clear involvement of the applicants in kidnapping her in the night and thereafter, taking her to another house, where she was subjected to rape by the co-accused.

5. Taking into consideration that the prosecutrix is stated to be minor, I am not inclined to grant bail to the applicants.

6. Accordingly, the application is rejected.

Sd/-
Manindra Mohan Shrivastava
Judge