

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5210 of 2016**

Amit Kujur S/O Lawrance Kujur (Wrongly Mentioned As Borens Kujur), Aged About 22 Years , R/O Dhanji, Saraipara, Police Station Chando, Balrampur, District Balrampur Ramanujganj Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Chando, District Balrampur- Ramanujganj, Chhattisgarh

---- Respondent

For applicant - Shri Amarnath Pandey, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****6/09/2016**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.13/2016 registered in Police Station Chando, District Balrampur Ramanujganj (C.G.) for offence punishable under sections 363, 366(A), 376 (३) of Indian Penal Code and Section 5 (३), 6 of Protection of Children from Sexual Offences Act (As per FIR)
2. As per the prosecution case, a report was made by the prosecutrix minor girl that the applicant who was the neighbour was in love relation and the applicant on the pretext of marriage took the girl and committed sexual intercourse in their house and also in the forest. Subsequently, marriage of the girl was fixed, she went to the house of the applicant, thereafter the applicant took her to some relatives house at Jharkhand wherein also the applicant committed sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant submits that the entire statement if are considered, it will not lead to show that there is criminality as the girl

herself stated that she was in love. He further submits that ossification test though was suggested but it was not carried out, therefore age of the victim cannot be stated that she was a minor, therefore the applicant may be released on bail.

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

5. Perused the case diary and the documents wherein marksheet of the school is attached wherein date of birth is shown to be 5/07/2001 which shows that prosecutrix appears to be minor. Considering statement of the prosecutrix, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE