

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6871 of 2016

- Tilakdhari Singh S/o Dalpratap Singh Gond, Aged About 20 Years R/o Barhori, Police Station Janakpur, District Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Janakpur, District Korea, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/11/2016

Heard.

1. The applicant has been arrested in connection with Crime No. 77 of 2016 registered in Police Station- Janakpur, District- Korea (C.G.) for the alleged commission of offence under Sections 363, 366, 376 (2)(N) of the IPC and Sections 4, 5, 6, 9 & 10 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped a minor girl, who is minor in age less than 14 years and committed rape on her.
3. Learned counsel for the applicant submits that the documentary evidence of age of the prosecutrix is highly doubtful. It is next submitted that the statement of the prosecutrix shows that she is a consenting party. Thirdly, it is submitted that allegation of sexual intercourse is false implication and after thought. He submits that as the investigation is complete, charge sheet has been filed, therefore, custodial interrogation is not required, the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Taking into consideration the age of the minor girl and her statement recorded under Section 164 of the Cr.P.C., I am not inclined to release the applicant on bail.
6. The bail application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge