

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6876 of 2016

Alam Chand @ Golu S/o Krishna Tandan, Aged About 24 Years R/o Village Senwar, Police Station Chakarbhatta, District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Palari, District Balodabazar, Bhatapara Chhattisgarh

---- Respondent

For Applicant	:	Shri Yogesh Chandra, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

02/11/2016

Heard.

1. The applicant has been arrested in connection with Crime No.294 of 2016 registered in Police Station- Palari, District- Balodabazar- Bhatapara (C.G.) for the alleged commission of offence under Sections 363, 366, 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped the prosecutrix and committed rape on her, prosecutrix being minor in age.
3. Learned counsel for the applicant submits that present is a case of consent between the prosecutrix and the applicant as reflected from her statements given under Sections 161 & 164 Cr.P.C. Learned counsel for the applicant further submits that as per the doctor's medical examination report, the prosecutrix has been stated to be 18 ½ years of age. He submits that as the investigation is complete and charge sheet has been filed, the applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that as the prosecutrix, on the date of incident, was approximately 16 years and 9 months of age, consent is not material.
5. Taking into consideration the nature and gravity of allegation and the material available on record, particularly taking into consideration the age of the prosecutrix, I am not inclined to grant bail to the applicant.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen