

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7571 of 2016

Ghanshyam Chauhan S/o Ramprasad Chouhan Aged About 30 Years Resident
Of Village - Paraskol, Police Station Kharsiya, District Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Its Police Station - Bhatapara (Rural) District -
Balodabazar, Civil - Revenue District - Balodabazar Chhattisgarh

---- Respondent

For Applicant	:	Shri B.L. Sahu, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

29/11/2016

1. The applicant has been arrested in connection with Crime No. 173 of 2013 registered in Police Station- Bhatapara, Civil & Revenue District- Balodabazar (C.G.) for the alleged commission of offence under Sections 363, 366 and 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant argues that it is case of consent. The prosecutrix had gone along with the applicant voluntarily and they had married and, therefore, commission of sexual intercourse after marriage with a girl who is more than 15 years of age, would not make a case of commission of offence under Section 376 IPC.
3. On the other hand, learned counsel for the State has opposed the application. He submitted that as per the statement of the prosecutrix given under Section 164 Cr.P.C., the girl was kidnapped. She was kept in wrongful confinement, threatened, beaten-up and attempts were made to set her on fire and also that that her parents would be killed.

4. Considering the nature and gravity of allegation, particularly taking into consideration the statement of the prosecutrix under Section 164 Cr.P.C., I am not inclined to grant bail to the applicant.
5. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen