

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7466 of 2016

- Amarjeet Sharma S/o Ramratn Sharma Aged About 22 Years R/o Mahantpur, Chaukhuti Mohalla, District Lakhisaray Present Address Kharmora, Police Station Balco Nagar, District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Balco Nagar, District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Indira Tripathi, Advocate
For Respondent/State	:	Mr. Chandresh Shrivastava, Panel Lawyer

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

Order On Board

05/12/2016

1. The applicant has been arrested in connection with Crime No. 70 of 2016 registered in Police Station- Balco Nagar, District- Korba (C.G.) for the alleged commission of offence under Sections 376 & 506 of the 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 committed rape on the prosecutrix who is stated to be minor in age.
3. Learned counsel for the applicant argued that the prosecutrix and other important witnesses, including mother and father of the prosecutrix, have already been examined and according to the prosecution witnesses applicant and prosecutrix were in love affairs due to which prosecutrix conceived a child. Secondly, it is submitted that according to the prosecutrix and her parents, age of the prosecutrix is 20 years and not what has been stated in the school record. Father of the prosecutrix has deposed that in the school, age of the prosecutrix has not been correctly disclosed and the age of the prosecutrix more than the age has been recorded in the school register.
4. On the other hand, learned counsel for the State opposes the bail application and submits that according to the school record the date of

birth of the prosecutrix is 07.04.1999, therefore, on prima-facie she was minor at the time of commission of offence, therefore, in these circumstances, *prima-facie* case is made out against the applicant and the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly, taking into consideration the submission of learned counsel for the applicant that the prosecution witnesses including prosecutrix have not supported the case of the prosecution and there was affair between the applicant and prosecutrix and also that according to the prosecution witnesses itself the age of the prosecutrix is stated to 20 years, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge