

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7487 of 2016

Goverdhan Das @ Godu S/o Sachhanand, Aged About 48 Years R/o Subhash Chowk Ward No. 19, Police Station - Rajhara, District - Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Balod, Chhattisgarh.

---- Respondent

MCRC No. 7827 of 2016

Shyam Bai W/o Raju Sika Aged About 45 Years R/o Indira Nagar, Ward No. 27, Rajhara, District Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Rajhara, District Balod, Chhattisgarh.

---- Respondent

Shri P.R.Patankar, counsel for the applicant in MCrC No.7487/2016.
Shri Anil Gulati, counsel for the applicant in MCrC No.7827/2016.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/11/2016

Both the aforesaid applications are being decided by this common order as they arise out of same crime number.

The applicants have been arrested in connection with Crime No.146/2016 registered at police station – Rajhara, District – Balod for alleged commission of offences under Section 376, 109 of IPC and Section 4, 6 of Protection of

Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. The allegations against the applicants are that with the allurement of money, the prosecutrix was subjected to rape by applicant – Goverdhan.

3. Learned counsel for the applicant – Goverdhan submits that the applicant was falsely implicated as he was not named in the diary statements nor in the statement under Section 164 CrPC but false Test Identification Parade has been conducted to involve him only on suspicion.

Learned counsel for the applicant – Shyam Bai submits that the girl appears to be 18 years of age and her statement, *prime facie*, is not probable and it appears to be a case of consent as the girl did not disclose anything until she became pregnant.

Common submission of both the counsel for the applicants is that it is a case of consent and the prosecutrix is aged about 18 years. In these circumstances, the applicants may be granted bail.

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

5. Considering the submission and nature of allegation against the applicants, I am not inclined to grant bail to the applicants.

6. Both the applications are therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge