

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7897 of 2016**

Tikam Sahu S/o Harak Ram Sahu Aged About 29 Years R/o Bamhni  
(Kosmi), Police Station Chhura, District Gariyaband, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh Through Police Station Chhura, District Gariyaband  
Chhattisgarh

**---- Respondent**

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|----------------------|---|---------------------------------|
| For Applicant        | : | Shri P.K. Patel, Advocate       |
| For Respondent/State | : | Shri Manish Nigam, Panel Lawyer |

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

**Order On Board**

**15/12/2016**

Heard.

The applicant has been arrested in connection with Crime No.29 of 2016 registered in Police Station- Chhura, District -Gariyaband (C.G.) for the alleged commission of offence under Sections 363, 366 & 376(2)( $\text{द}$ ) of IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant kidnapped the prosecutrix, a minor and committed rape on her.

3. Learned counsel for the applicant submits that the prosecutrix has been examined in the Court and her statement clearly shows that it is a case of consent. It is further submitted that the proof of age of the prosecutrix is not a clinching evidence and therefore, in these circumstances, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes the prayer and submits that looking to the age of the prosecutrix being 16 years, consent is immaterial and prima facie case is made out.
5. Considering the submission and the nature of accusation, I am not inclined to grant bail to the applicant.
6. The bail application is therefore rejected.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
Judge

Rekha