

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8225 of 2016

- Bhagwan Das @ Puppup Satnami S/o Puran Das Satnami, Aged About 22 Years R/o Civil Line Simga, Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri S. K. Guha, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

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

Order On Board

19/12/2016

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.63/2016 registered at Police Station Simga, District Baloda Bazar-Bhatapara for the offence punishable under Section 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012. The applicant has been arrested on 13-03-2016.

3. Case of the prosecution is that the applicant committed rape on the prosecutrix, who is less than 18 years of age.

4. Learned counsel for the applicant submits that the age of the prosecutrix has been wrongly recorded as 10-01-2002, whereas mother of prosecutrix in her statement, has clearly stated that the prosecutrix is aged 20 years.

5. On the other hand, learned State counsel opposed the prayer for grant of

bail on the submission that as per school record, the prosecutrix is 14 years of age, therefore, prima facie case is made out against the applicant.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 Cr.P.C. and also considering the age of the prosecutrix, I am not inclined to grant bail to the applicant.

7. In the result, the application is rejected.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E