

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6863 of 2015

- Sanjay Kumar Shrivastava @ Golu S/o Narayan Shrivastava Aged About 20 Years R/o Village: Kotetara, Police Station Jaijapour, District : Janjgir-Champa (Chhattisgarh). --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Chhal, District Raigarh (Chhattisgarh). --- **Respondent**

For the applicant	:	Mrs. Madhunisha Singh, Advocate.
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 60 of 2015 registered at Police station Chhal, Distt. Raigarh (C.G) for the offences punishable under sections 363, 366, 376 PC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the father of prosecutrix lodged a report that his daughter is missing and the police after recovery of prosecutrix inquired her and during such inquiry, it was found that the victim was allured by the applicant and thereafter has committed sexual intercourse with her and at the time of commission of such crime, the victim was minor.
3. Learned counsel for the applicant submits that different versions have been made by the prosecutrix in the statements recorded u/s 161 & 164 Cr.P.C., and in section 164 statement, no allegation of rape has been alleged, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statement under Section 164 Cr.P.C., wherein the part of commission of crime has been supported.
6. Taking into such statement u/s 164 Cr.P.C., I am not inclined to release the applicant on bail. Accordingly, the application is rejection.
7. The applicant shall be at liberty to repeat the prayer after examination of the prosecutrix.

Sd/-
GOUTAM BHADURI
JUDGE

Rao