

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2482 of 2016

Suraj Kumar Sidar, Aged About 25 Years, S/o Shri Shiv Charan
Occupation Driver/ Labourer, R/o Odekera, Tahsil Jaijaipur, P.S.
Jaijaipur, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Janjgir Champa,
P.S. Jaijaipur, District Janjgir Champa, Chhattisgarh.

---- Respondent

For applicant - Shri Sudeep Agrawal, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/05/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 23/11/2015.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 222/2015 registered in Police Station Jaijaipur, District Janjgir-Champa (C.G.). for offence punishable under section 376 of Indian Penal Code & 4 & 6 of the Protection of Children from Sexual Offences Act.
3. As per the prosecution case the applicant on the pretext of marriage committed sexual intercourse with the prosecutrix whereby she became pregnant. Thereafter, she delivered a baby and when she requested the applicant to marry her it was refused.
4. Learned counsel for the applicant submits that the prosecutrix was a major from the date of incident and she was a consenting party and therefore it cannot amount to rape. He submits that prosecutrix has been examined on 2/02/2016 and reading her statement would show that she

was a consenting party, therefore applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. I have perused the statement of the prosecutrix. She stated that on the pretext of marriage, applicant committed sexual intercourse and thereafter baby was born. Perusal of the statement would show that it is to be evaluated at the time of entire other witnesses are examined. After going through the statement at this stage, this court is not inclined to release the applicant on bail.

7. Accordingly, the second bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE