

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3297 of 2016

- Gopi Sarthi S/o Dhanesh Sarthi Aged About 19 Years R/o Mathpara Sarthi Mohala Durg Civil & Revenue Distt. Durg Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh through the Police Station - Durg Distt. Durg Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. A. N. Pandey, Advocate
For the Respondent	:	Mr. Sumeet Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 160/2016 registered at P.S. Durg, Distt. Durg (C.G) for the offence punishable under Sections 363, 366, 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, on 20.02.2016 a missing report was lodged by the mother of victim. Subsequently the girl was found on the same day and on investigation it is stated that she was subjected sexual intercourse.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated as the statement u/s 164 Cr.P.C., in which she has not stated about the commission of rape.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of prosecutrix who is aged about 13 years and the allegation of rape has been attributed to the applicant. Therefore, considering such statement and age of the prosecutrix, I am not inclined to release the applicant on bail. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**