

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1645 of 2017

Narendra Kumar Dhruv S/o Bhisham Dhruv Aged About 25 Years R/o Bade-Bharsela, Police Station City Kotwali, Baloda-Bazar, District- Baloda- Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O.- City Kotwali, Baloda- Bazar, District Baloda- Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Hemant Gupta, Advocate
For Respondent/State	:	Shri Dhiraj Wankhede, Govt. Advocate

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

Order On Board

07/04/2017

Heard.

1. This is repeat application for grant of bail to the applicant. His earlier bail application was dismissed as withdrawn on 06.02.2017.
2. The applicant has been arrested in connection with Crime No.557 of 2016 registered in Police Station- City Kotwali, Baloda-Bazar, District -Baloda Bazar- Bhatapara (C.G.) for alleged commission of offence under Sections 363, 366, 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the applicant committed rape on the prosecutrix who is stated to be minor in age.
4. Learned counsel for the applicant submits that the statement of the prosecutrix recorded under Section 164 Cr.P.C. shows that she is a consenting party and the material collected by the prosecution does not conclusively indicates that

the prosecutrix is less than 18 years of age.

5. On the other hand, learned counsel for the State opposed the bail application.
6. Having considered the submissions made by learned counsel for the parties, taking into consideration the material collected by the prosecution with regard to age of the prosecutrix and that the prosecutrix in her statement under Section 164 Cr.P.C. has stated regarding commission of sexual intercourse on her by the applicant, I am not inclined to allow the application.
7. The application is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen