

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6996 of 2017

Chandan S/o Shri Chhedi Ram Netam, Aged About 21 Years R/o Baskot, Nakapara, Ward No. 25, P. S. Vishrampuri, District Kondagaon, Presently Resided At C/o House Of Anita Dewar, Dewarpara, Rajim, P. S. Rajim, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through The Station House Officer, Police Station Rajim, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Dashrath Kushwaha, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

11/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.52 of 2017 registered at Police Station- Gariyaband, District Gariyaband (C.G.) for alleged commission of offence under Sections 363, 366 and 376 IPC and Sections 4, 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution , in brief, is that the applicant kidnapped and thereafter committed rape on the prosecutrix who is stated to be a minor in age.
3. Learned counsel for the applicant submits that the prosecutrix has now been examined in the trial Court and her statement clearly shows that she had an affair with the applicant, therefore, it is a clear case of consent. According to statement of mother of the prosecutrix, the prosecutrix was 18 years of age at the time of commission of offence. Therefore, the prosecution evidence of prosecutrix being less than 18 years of age cannot be relied upon.
4. On the other hand, learned counsel for the State, opposing the bail application, submits that the according to 'school leaving certificate', the age of the

prosecutrix was less than 18 years when she was subjected to sexual intercourse.

5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the nature and gravity of offence and that the prosecutrix is stated to be a minor, I am not inclined to grant bail to the applicant.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge