

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7544 of 2017**

Aabid Raja @ Manju Saifi S/o Aajal Mohammad Musalman, Aged About 26 Years R/o Ward No.18, Near Railway Line, Siliary Chowk, Siliary, P.S. Dharsinva, District (Revenue & Civil) Raipur, Chhattisgarh

---- Applicant

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Gariyaband, District Gariyaband, Chhattisgarh

---- Respondent

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| For Applicant | : | Shri Yogesh Pandey, Advocate      |
| For State     | : | Shri Satish Gupta, Govt. Advocate |

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**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.63 of 2016 registered at Police Station- Gariyaband, District Gariyaband (C.G.) for alleged commission of offence under Sections 363, 366 and 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant committed rape on the prosecutrix who is stated to be a minor in age.
3. Learned counsel for the applicant would submit that the prosecutrix is a consenting party. The prosecutrix was more than 18 years of age, therefore, no case is made out against the applicant. It is also submitted that prosecutrix has now been examined in the trial Court and therefore further detention of the applicant may not be necessary as the applicant is languishing in jail since 26.4.2016. Learned counsel for the applicant further submits that evidence of other prosecution witnesses including mother of the prosecutrix raises serious

doubt with regard to age of the prosecutrix and according to defence, she was 19 years of age.

4. On the other hand, learned counsel for the State, opposing the bail application, submits that looking to the nature of allegation, the applicant may not be released on bail.
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