

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8095 of 2016

Dhanesh Ram Jaiswal S/o Lallu Ram Aged About 20 Years R/o Domsara, Police Station Kunda, District Kabirdham (Kawardha), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kunda, District Kabirdham (Kawardha), Chhattisgarh.

---- Respondent

For Applicant	:	None appears
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

10/01/2017

1. This case was called on for hearing on 09.01.2017 on more than one occasions, but no one appeared. Today again, this case was taken-up for hearing, but there is no representation made on behalf of the applicant.
2. The applicant has been arrested in connection with Crime No. 158 of 2016 registered in Police Station- Kunda, District- Kabirdham (Kawardha), Chhattisgarh, for the alleged commission of offence under Sections 363, 366, 376 IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the applicant kidnapped the prosecutrix aged 16 years and she was taken to different places and it is alleged that the applicant also committed sexual intercourse with the prosecutrix.
4. Learned counsel for the State draws attention of this Court to the statement of

the prosecutrix given under Section 164 Cr.P.C., wherein she has stated that she had gone along with the applicant and she was also subjected to sexual intercourse by the applicant.

5. As per the prosecution case and the documents collected during investigation, the date of birth of the prosecutrix is 20th January, 2000 and the alleged date of offence is stated to be 25th October, 2016 meaning thereby that on the alleged date of incident, the prosecutrix was less than 17 years of age.
6. Therefore, in view of the aforesaid material, I am of the opinion that this is not a fit case for grant of bail to the applicant.
7. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge