

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8351 of 2016

Bhuvneshwar S/o Lakhon Tandon Aged About 21 Years R/o Bisanpura Police Station Bodla, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Bodla, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ajay Ayachi, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

02/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No. 166 of 2016 registered in Police Station- Bodla, District- Kabirdham (C.G.) for the alleged commission of offence under Sections 376 IPC and Section 3,4 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 less than 18 years.
3. Learned counsel for the applicant submits that the allegation against the applicant is false and motivated. He submits that statement under Section 164 Cr.P.C. of the mother of the applicant has also been recorded which falsifies the allegation of the prosecutrix.
4. On the other hand, learned counsel for the State has opposed the bail application. He submits that as per the prosecutrix's statement recorded under Section 164 Cr.P.C., the applicant committed rape on her while she was

returning from the field after responding to call of nature.

5. Considering the submissions made by learned counsel for the parties, taking into consideration the statement of the prosecutrix recorded under Section 164 Cr.P.C. and the age of the prosecutrix, I am not inclined to grant bail to the applicant.
6. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen