

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 250 of 2017

Gajendra Singh Chouhan S/o Late Noman Singh Chouhan, Aged About 21 Years R/o Infront Of Uday College, Ward No. 13, Jamul, Police Station- Jamul, District- Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- District Magistrate, Durg, And Also Through- Police Station- Jamul, District- Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri D. Kushwaha, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

24/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No.630 of 2016 registered in Police Station- Jamul, District -Durg (C.G.) for the alleged commission of offence under Section 363, 366-A, 376 IPC and Sections 3 & 4 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 less than 18 years of age.
3. Learned counsel for the applicant submits that even according to the statement of the prosecutrix recorded under Section 164 Cr.P.C., she had gone along with the applicant, which shows that she had full consent in sexual intercourse. It is submitted that according to ossification report, age of the prosecutrix is stated to be between 18 to 19 years, therefore, prosecution allegation of the prosecutrix

being less than 18 years of age becomes highly doubtful. The investigation is complete and charge sheet has also been filed, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application on the submission that in the statement of the prosecutrix given under Section 164 Cr.P.C., she has clearly stated that even though she was with the applicant, despite resistance offered by her, the applicant committed sexual intercourse, therefore, she had to lodge report.
5. Having heard learned counsel for the parties, considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the applicant.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge