NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4069 of 2017

Mantosh @ Manitosh Sarkar S/o Ashutosh Sarkar Aged About 22 Years R/o P.V. -101, Police Station- Bande, District- North Bastar, Kanker, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Bande, District- North Bastar, Kanker, Chhattisgarh

---- Respondent

Shri Adil Minhaj, counsel for the applicant/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/11/2017

Heard.

The applicant has been arrested in connection with Crime No.12/2017 registered at Police Station – Bande, District – North Bastar, Kanker (CG) for alleged commission of offences under Section 376, 342, 506, 34 of IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant committed rape on the prosecutrix stated to be minor in age.

3. Learned counsel for the applicant argued that present is a case of an affair between the applicant and the prosecutrix and he married the prosecutrix. There is no concrete proof of age of the prosecutrix offered by the prosecution in the charge sheet. He submits that the applicant is in jail since 19/02/2017. It is submitted that after five months of the incident, FIR was lodged and the trial is being delayed as the prosecutrix has not appeared.

4. On the other hand, learned State counsel opposes bail application and submits that the statement under Section 164 CrPC recorded before the Magistrate,

the prosecutrix has clearly alleged that the applicant committed rape on her and forcibly prepared video to give it a colour of marriage. He further submits that the school records are attached with the charge sheet and the issue of age would be a matter of evidence.

5. Taking into consideration the submission of learned counsel for the parties, nature and gravity of allegations and material available in the charge sheet and the case diary, I am not inclined to grant bail to the applicant.

6. This application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti