

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.876 of 2017

- Sumeet John S/o Devnath John, Aged About 19 Years R/o Village & Tahsil- Mohtara- Police Station- Gidhowri Tundra; District- Balodabazar- Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station- Gidhowri Tundra; District- Balodabazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Petitioner	:	Shri Sumit Jhavar, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/02/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.170/2016 registered at Police Station Gidhowri Tundra, District Baloda Bazar-Bhatapara for the offence punishable under Section 363, 366, 376 & 34 of IPC and Section 4 & 18 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant kidnapped and thereafter, committed rape on the prosecutrix, who is stated to be less than 18 years.

4. Learned counsel for the applicant submits that the allegations against the applicant are improbable because the medical report does not support the case of the prosecution.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the prosecutrix has made allegation that she was taken by the applicant and forcefully kept in wrongful confinement and

thereafter, she was subjected to repeated sexual assault by the applicant and she was also beaten up, therefore, prima facie case is made out against the applicant.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 Cr.P.C. as also looking to the age of the prosecutrix, I am not inclined to grant bail to the applicant.

7. Accordingly, the application is rejected.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E