

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 37 of 2017

Krishna Kumar Singh S/o Rameshwar Singh, Aged About 21 Years R/o Village
Kalgasa Police Station Darima District Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Darima District Surguja
Chhattisgarh

---- Respondent

Shri S.D.Singh, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/01/2017

Heard.

The applicant has been arrested in connection with Crime No.89/2016 registered at Police Station – Darima, District - Surguja (CG) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 3, 4 (2) (ढ) of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant committed rape on the prosecutrix who is stated to be less than 18 years of age.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. Even according to the prosecutrix, she voluntarily went along with the applicant. It is also submitted that the evidence of the prosecution with regard to age of the prosecutrix is highly doubtful. Therefore, in these circumstances, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that as per school records, the age of the prosecutrix was less than 15 years of age on the alleged date of incident. Therefore, consent is immaterial.

5. Taking into consideration the submission of learned counsel for the parties, material collected by the prosecution with regard to age of the prosecutrix, I am not inclined to grant bail to the applicant. The application is therefore rejected.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge

Deepti