

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 40 of 2017

Surendra S/o Milu Ram Minj, Aged About 19 Years R/o Village Rajouti, Police Station Sitapur, District Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sitapur District Sarguja Chhattisgarh

---- Respondent

Shri Vivek Kumar Pandey, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/01/2017

Heard.

The applicant has been arrested in connection with Crime No.156/2016 registered at Police Station – Sitapur, District - Sarguja (CG) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 5 ढ, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant kidnapped and thereafter committed rape on the prosecutrix who is stated to be less than 15 years of age.

3. Learned counsel for the applicant argued that even according to the statement of the prosecutrix under Section 164 CrPC, she and the applicant had an affair and whatever has happened, it happened with the consent of the prosecutrix. It is also submitted that the allegation of sexual intercourse is highly doubtful because the prosecutrix in her statement made to the Child Welfare Committee, did not specifically state regarding any sexual intercourse and doctor's report does not support that she was subjected to any rape.

4. On the other hand, learned State counsel opposes bail application and submits that in view of statement of the prosecutrix under Section 164 CrPC, prima facie case is made out.

5. Considering the submission of learned counsel for the parties, age of the prosecutrix as also statement of the prosecutrix under Section 164 CrPC, I am not inclined to grant bail to the applicant. The application is therefore rejected.

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