

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 241 of 2017

Jagsay S/o Atwaru Ram Rajwade, Aged About 19 Years Caste- Rajwar, R/o Village- Batra, Out Post- Karanji, Police Station- Bishrampur, District- Surajpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Bishrampur, District- Surajpur Chhattisgarh.

---- Respondent

For Applicant	:	Shri Rakesh Pandey, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

23/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No.270 of 2016 registered in Police Outpost – Karanji, Police Station- Bishrampur, District -Surajpur (C.G.) for the alleged commission of offence under Section 376 IPC and Section 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.
3. Learned counsel for the applicant submits that the allegation against the applicant is highly vague as specific time, date and place of incident has not been clearly stated by the prosecutrix. Therefore, there is no likelihood of applicant being charged with commission of offence and, therefore, for this reason, the applicant may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application on the submission that allegation are serious and the prosecutrix in her statement under Section 164 Cr.P.C. has clearly made an allegation against the applicant. It is also submitted that the prosecutrix is approximately 15 years of age.
5. Having heard learned counsel for the parties, considering the statement of the prosecutrix recorded under Section 164 Cr.P.C. and her age, I am not inclined to grant bail to the applicant.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge