

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.337 of 2017

- Satyanarayan Rana S/o Rati Ram Rana, Aged About 21 Years R/o Erumnaar, Police Station- Toyenaar, District- Bijapur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through- District Magistrate- Bijapur, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri P. R. Patankar, Advocate
For Respondent/State	:	Shri D.R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/01/2017

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.01/2016 registered at Police Station Jangla, District Bijapur for the offence punishable under Section 363, 366, 376 of IPC and Section 3 & 4 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 less than 15 years of age.

4. Learned counsel for the applicant submits that the present is a case of consent and the prosecutrix and the applicant married and the documents were prepared by their lawyer and only thereafter, they started living as husband and wife, during which period, it is alleged that sexual intercourse was committed by the applicant, therefore, allegation of commission of offence of rape is not made out at all. According to learned counsel for the applicant, as per Aadhar Card, the age of the prosecutrix is more than 19 years.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the school records seized by the police during investigation, on the alleged date of incident, the age of prosecutrix is 15 years, therefore, consent is immaterial.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the age of the prosecutrix, I am not inclined to grant bail to the applicant.

7. In the result, the application is rejected.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E