

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 747 of 2017

Yogesh Kumar Baghel S/o Tumman Lal, Aged About 23 Years By Caste-
Satnami, R/o Village- Kuhitola (Narayangarh), Tahsil- Dongargarh, District-
Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Chichola/Churiya, District-
Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Shri Parag Kotecha, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

13/02/2017

Heard.

1. The applicant has been arrested in connection with Crime No.298 of 2016 registered in Police Station- Chichola, District -Rajnandgaon (C.G.) for the alleged commission of offence under Sections 363, 366 and 376 IPC and Section 6 of the Prevention of the Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped and kept the prosecutrix in wrongful confinement and subjected her to cruelty and also committed rape.
3. Learned counsel for the applicant submits that the prosecution story is false, fabricated and motivated. He submits that in fact the applicant and the prosecutrix had an affair, they married also and it is only when there are allegation of rape after marriage that a different colour is now being given by the prosecutrix taking advantage of her claim that she is minor being less than 18

years. Therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has stated regarding her wrongful confinement, cruelty and rape by the applicant. The prosecutrix was, at the time of sexual intercourse, was less than 18 year of age, therefore, a prima facie case is made out.
5. Considering the submissions made by learned counsel for the parties, taking into consideration the material on record, age of the prosecutrix and her statement recorded under Section 164 Cr.P.C., I am not inclined to enlarge the applicant on bail.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge