

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.910 of 2017

- Rangu Verma S/o Late Jhadu Verma Aged About 72 Years (Wrongly Mentioned As 65 Years), R/o Village- Ninva, Police Station- Bemetara, District- Bemetara, Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through: S.H.O. Police Station- Bemetara, District- Bemetara, Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Vaibhav Goverdhan, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/02/2017

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.731/2016 registered at Police Station Bemetara, Distt. Bemetara for the offence punishable under Section 363, 366, 376 & 506 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 committed sexual intercourse with the prosecutrix, who is 10 years of age.

4. Learned counsel for the applicant submits that the prosecutrix has been examined in the Court under Section 164 Cr.P.C., in which, she does not make any specific allegation of penetration as such, except that she having been disrobed by the applicant and beaten up. It is also submitted that the medical report shows that the prosecutrix is habitual to sexual intercourse, therefore, it may not be necessarily linked with the applicant only and further that the allegation on the applicant having committed rape is highly improbable looking

to the old age of the applicant. It is also submitted that there was a delay in lodging FIR and the circumstances stated by the prosecutrix is contradictory.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the medical report shows absence of hymen and in her statement, the prosecutrix has clearly stated that the applicant outraged the modesty of the prosecutrix disrobed and also beaten up, which makes out a prima facie case against the applicant.

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

7. Accordingly, the application is rejected.

SD/-

(Manindra Mohan Shrivastava)

J U D G E