

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1148 of 2017

Dayaldas S/o Heeralal Dhritlahre @ Mahangu, Aged About 21 Years R/o Village Champa, Police Station, Palari, District- Baloda Bazar - Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Of Police Station Palari, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/02/2017

Heard.

The applicant has been arrested in connection with Crime No.386/2016 registered at Police Station – Palari, District – Baloda Bazar - Bhatapara (CG) for alleged commission of offences under Section 376, 506 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant committed rape on the prosecutrix who is barely 13-14 years of age.

3. Learned counsel for the applicant submits that he has been falsely implicated and the matter in which, the prosecutrix has narrated the story in her statement under Section 164 CrPC, it is highly improbable. It is next submitted that the medical report does not support allegation of the prosecution as there is no injury on the private parts of the prosecutrix.

4. On the other hand, learned State counsel opposes bail application and submits that looking to the age of the girl and statement under Section 164

CrPC, case is made out.

5. Considering the nature and gravity of allegations and material on record, I am not inclined to grant bail to the applicant. The application is, therefore, rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti