

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1795 of 2017**

Heeralal Purena S/o Alakh Purena, Aged About 19 Years R/o
Nawagaon (Jhanjh) Police Station Rakhi, District Raipur Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Rakhi, District
Raipur Chhattisgarh

---- Respondent

For applicant	Mr. P.K. Patel, Adv.
For Respondent/State	Mr. Neeraj Mehta, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****3-4-2017**

1. Heard finally.
2. The applicant has been arrested in connection with crime no. 104/2016 registered in PS Rakhi, Distt. Raipur for offence under Sections 363, 366 and 376, IPC read with Section 7 and 8 of the Protection of Children from Sexual Offences, Act, 2012. Charge sheet has been filed and the same is pending before the Additional Sessions Judge (FTC), Raipur as ST No. 252/2016.
3. Learned counsel for the applicant submits that as per statement of the prosecutrix recorded under Section 164 of the Cr.P.C, the prosecutrix was having affair with the applicant and she was consenting party hence the applicant may be enlarged on bail.
4. Per contra, learned counsel for the State opposes the bail and submits that as the prosecutrix was minor at the time of incident, her consent cannot be held as valid consent.
5. Perused the material available.
6. Looking to the evidence and the material collected against the applicant, I am not inclined to grant bail to the applicant.
7. The application is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge