

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2998 of 2017

- Deepak Shukla, S/o Ramsakal Shukla, Aged About 26 Years, R/o Village Jamwantpur, Police Station - Ramanujganj, District-Balrampur,-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ramanujganj District- Balrampur, Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Shri K.K. Singh, Advocate.

For Non-applicant/State : Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

11.09.2017

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.38/2017 Police Station Ramanujganj, Civil Distt. Surguja, at Ambikapur (C.G.) for the offence under Section 376(2)n, 363 & 366 of the Indian Penal Code.

3. Learned counsel for the applicant would submit that after investigation police had filed charge-sheet which was initially registered before Judicial Magistrate First Class Ramanujnagar, (C.G.) as Criminal Case No. 79/2017 thereafter matter has been committed presently pending before Additional Sessions Judge, Ramanujnagar, Civil Distt. Surguja, Ambikapur, (C.G.). Learned

counsel for the applicant would submit that this is the case of the consent. In the present matter provisions of Section 375, explanation Sixthly of the Indian Penal Code is applicable report lodged after 7 years. With this, the applicant may be granted bail.

4. Per Contra, learned counsel for the respondent/State opposes the argument advanced on behalf of the applicant.

5. Perused the entire material.

6. As per evidence collected, the date of birth of prosecutrix was 2nd January 1992, and the incident happened on 2009. At the time of incident for first time, prosecutrix was minor i.e. below 18 years of the age even otherwise on perusal of the statement of prosecutrix recorded during investigation prima-facie matter may not be held case of consent. On due consideration, I am not inclined to grant the bail.

7. Consequently, the instant MCRC is hereby dismissed.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**