

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3547 of 2017**

Rasiya Jaiswal S/o Gyandas, Aged About 24 Years R/o Village-
Ghoghari, Police Station- Dabhra, District- Janjgir- Champa CG.

---- Applicant

Versus

State Of Chhattisgarh through- Station House Officer, Police Station-
Dabhra, Civil And Revenue District- Janjgir- Champa Chhattisgarh.

---- Respondent

For applicant	Mr. Pushpendra Kumar Patel, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****31-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 4-6-2016 in connection with Crime No. 165/2016 registered in PS Dabhra, Distt. Janjgir Champa (CG) for offence punishable under Section 363, 366, 376 of the Indian Penal Code, 1860 and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (in brevity 'Act of 2012').
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the 1st Addl. Sessions Judge/Special Judge under Act of 2012, Sakti, Distt. Janjgir Champa (CG) as Special Criminal Case No. 25/2016. He submits that co-accused Komal Jaiswal has been granted bail in MCRC No. 5420/2016 vide order dated 14-9-2016 though allegation against the co-accused was that he cooperated the present applicant. In the present matter, applicant and the prosecutrix are the consenting party. The prosecutrix is aged 18 years hence the applicant may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and submits that the evidence collected regarding age of the prosecutrix shows her below 18 years, and therefore, the prosecutrix cannot give consent even for the sake of argument. Hence instant MCRC may be dismissed.
5. Perused the entire matter.
6. On due consideration of the entire facts, evidence collected, and as the charges against the applicant are of serious nature, I am not inclined to grant bail to the applicant.
7. Consequently, instant MCRC is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge