

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3694 of 2017**

Dilip Chouhan S/o Lakhon Ram Chouhan @ Raju, Aged About 24
Years R/o Lanjhiyapara, Police Station Pattalgaon, District Jashpur
CG.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Of Police
Station - Pattalgaon, District Jashpur Chhattisgarh.

---- Respondent

For applicant	Mr. Manoj Chouhan, Adv.
For Respondent/State	Mr. Vasim Miyan, 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 13-12-2016 in connection with Crime No.110/2016 registered in PS Patthalgaon, Distt. Jashpur (CG) for offence punishable under Section 363, 366-A and 376 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the Additional Sessions Judge/Special Judge under Protection of Children from Sexual Offences Act, 2012 (in brevity 'Act of 2012') as Special Criminal Case (Act of 2012) No. 5/2017. Learned counsel further submits that statement of prosecutrix is also recorded under Section 164 of the Cr.P.C. In the said statement, prosecutrix herself has stated her age as 16 years and further states that the applicant promised to marry and taken her to Delhi and left her at the house of one Nehru Agrawal where she cooked food and after 3 month serving there she ran away from the said house and reached to her parental home

which goes to show no allegation against the applicant was levelled hence the applicant may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and submits that in the statement under Section 161 of the Cr.P.C. the prosecutrix levelled specific allegation regarding commission of rape against her will and consent and other facts. He also submits that 4 matters in relation to preventive proceedings under Section 107, 116 of the Cr.P.C. have been registered against the applicant and one matter is Crime No. 71/2014 under Section 366, 376 and 370 of the IPC. Hence instant MCRC may be dismissed.
5. Perused the entire matter.
6. As the prosecutrix is a child under Section 2(a) of the Act of 2012 and after consideration of entire evidence collected, as the offence registered against the applicant is of grievous nature, also looking to the criminal background of the applicant, considering the entirety of the matter, I am not inclined to grant bail to the applicant.
7. Consequently instant MCRC is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge