

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3777 of 2017**

Bedu Ram Sahu S/o Shri Bhagwat Sahu, Aged About 21 Years  
Occupation Labour, R/o Village Barduli, Police Station Pipariya,  
Tahsil Kawardha, Civil & Revenue District Kabirdham, CG

**---- Applicant****Versus**

State of Chhattisgarh through the Station House Officer, Police  
Station Pipariya, Civil & Revenue District Kabirdham, CG

**---- Respondent**


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| For applicant        | Mr. Paras Mani Srivas, Adv.    |
| For Respondent/State | Mr. Vasim Miyan, Panel Lawyer. |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****13-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 2-4-2017 in connection with Crime No. 26/2017 registered in PS Pipariya, Distt. Kabirdham (CG) for offence punishable under Section 363, 366, 376 of the Indian Penal Code, 1860 and Section 3 and 4 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 which is presently pending before the Special Judge under the Act of 2012, Kabirdham as Special Criminal Case (Act of 2012) No. 25/2017. He submits that date of birth as submitted by the prosecution by filing the entries of Dakhil Kharij register is 10-7-2000, date of incident is 11-2-2017. Statement of the prosecutrix was recorded under Section 164 of the Cr.P.C. before the concerned Judicial Magistrate First Class,

Kabirdham. In the said statement the prosecutrix stated her age as 17 years and submits that she of her own will went along with the applicant for Puna and there she resided along with the applicant for 2 months, there the applicant committed wrong act. Also from the statement of the prosecutrix recorded under Section 161 of the Cr.P.C. it appears that the prosecutrix of her own went along with the applicant hence the applicant has not committed any offence. He may be granted bail during trial.

4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant.
5. Perused the matter.
6. After perusal of the statement of the prosecutrix recorded under Section 161 and 164 of the Cr.P.C. coupled with the fact that the applicant was minor at the time of incident and she had no authority to give consent for such act, I am not inclined to grant bail to the applicant.
7. Consequently instant MCRC is dismissed.

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