

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4510 of 2017**

Sujeet Kumar S/o Shivnath Verma, Aged About 27 Years R/o Village
Sel, Police Station Kasdol & District Baloda Bazar Bhatapara, CG.

---- Applicant

Versus

State Of Chhattisgarh Through Its Police Station Kasdol, Civil &
Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For applicant	Mr. Ravi Maheshwari, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 19-5-2017 in connection with Crime No. 200/2017 registered in PS Kasdol, Distt. Baloda Bazar-Bhatapara for offence punishable under Section 376 of the Indian Penal Code, 1860 and Section 4 of Prevention of Children from Sexual Offences Act, 2012.
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 (FTC)/Special Judge under the Act of 2012 as Special Criminal Case (Act of 2012) No. 28/2017. It is submitted that the prosecutrix applicant herself gave a written report in which she states her age as 18 years, also in the said report, it was submitted that between the applicant and the prosecutrix, a ceremony was performed on 15-5-2015 and engagement by the family members was performed on 20-5-

2015. Though police has collected marksheet showing date of birth of the prosecutrix as 4-9-2000 and the incident is shown from 2nd January, 2015 till 4th May, 2015 and the FIR is registered on 18-5-2017 but booking to the entire facts, the applicant may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant.
5. Perused the entire material.
6. As the prosecutrix is prima facie a child under the provisions of Section 2 sub-section (1)(d) of the Act of 2012 and also after perusal of the entire matter surfaced in the charge sheet regarding sexual intercourse against the consent of the prosecutrix and also as she was minor for her legal status, I am not inclined to grant bail to the applicant.
7. Consequently, instant MCRC is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge