

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****( Single Bench : Hon'ble Shri Justice Ram Prasanna Sharma)****MCRC No. 5114 of 2017**

- Satre Sesodiya S/o Ghanaram, Aged About 30 Years R/o Ganga Nagar, Kawardha, Tahsil And District Kawardha, Chhattisgarh.

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

- State Of Chhattisgarh Through Police Station Sector-6, Bhilai Nagar, Bhilai, District Durg, Chhattisgarh.

**---- Respondent**


---

|                       |   |                                                       |
|-----------------------|---|-------------------------------------------------------|
| For applicant         | : | Mr. Ravi Bhagat and Mr. Varunendra Mishra, Advocates. |
| For respondent/State. | : | Mr. Sumit Rawat, Panel Lawyer                         |

---

**Oral order**

(Passed on 27-11-2017)

1. The applicant has preferred this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 21-5-2017 in connection with Crime No. 638 of 2013 registered at Police Station Sector-6, Bhilai Nagar, Bhilai, District Durg (CG), for the offence punishable under Sections 363, 366, 376 of IPC and Sections 3(a) & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, date of birth of prosecutrix is 6-6-1999 and date of incident is 15-7-2016 and on the date of incident, prosecutrix was aged 14 years and one month. It is alleged that the applicant enticed the prosecutrix to marry and thereafter committed sexual intercourse with her and thereby he committed

the aforesaid offence.

3. Learned counsel appearing for the applicant submits that the date of birth certificate of the prosecutrix is not genuine and the evidence of the witnesses recorded under Section 161 of the Cr.P.C., is not reliable. He further submits that the applicant is in custody since 21-5-2017, therefore he may be released on bail.
4. On the other hand, learned State counsel opposing the prayer for grant of bail submits that there is prima facie evidence against the applicant, therefore, the applicant is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Looking to the age of the prosecutrix there is prima facie case against the applicant for the offences mentioned as above and the ground of defence shall be decided only after recording the evidence, this court is of the view that the applicant is not entitled to be released on bail at this stage.
7. Accordingly, the application of the applicant for grant of bail is rejected.

**Sd/-**

(Ram Prasanna Sharma)  
Judge

Raju