

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5423 of 2017

Dipak Patel S/o Salikram Patel, Aged About 21 Years R/o Chandi Chowk, Takhatpur, Police Station, Takhatpur, District (Revenue & Civil) Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station Takhatpur, District (Revenue & Civil) Bilaspur, Chhattisgarh.

---- Respondent

Shri Anand Kesharwani, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/11/2017

Heard.

The applicant has been arrested in connection with Crime No.152/2017 registered at Police Station – Takhatpur, District (Revenue and Civil) - Bilaspur (CG) for alleged commission of offences under Section 306, 376 of IPC and Section 4 of the POCSO Act.

2. Case of the prosecution is that the applicant committed rape on the prosecutrix who is stated to be minor in age.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. It is submitted that the medical report does not show that the prosecutrix has been subjected to rape. It is further submitted that the applicant is not likely to abscond or tamper with the prosecution witnesses, therefore, he may be granted bail.

4. Learned State counsel would submit that the prosecutrix was about 14-15 years of age when she was subjected to sexual intercourse by the applicant. Therefore, *prima facie* case under Section 376 IPC and POCSO is made out.

5. Having perused the case diary and dying declaration of the deceased, particularly taking into consideration that she is stated to be aged between 14 - 15 years at the time when she was subjected to sexual intercourse by the applicant, I am not inclined to grant bail to the applicant.

The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti