

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1113 of 2017

Pradeep Kashyap @ Bhuru Kashyap S/o Late Shiv Kashyap, Aged About 21 Years
R/o Near Indra Market Navapara, Police Station Gobara, District - Raipur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station Gobara-
Navapara, District Raipur - Chhattisgarh.

---- Respondent

Shri Praveen Dhurandhar, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/02/2017

Heard.

The applicant has been arrested in connection with Crime No.99/2016 registered at Police Station – Gobara-Navapara, District – Raipur (CG) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant committed rape on the prosecutrix.

3. Learned counsel for the applicant submits that it is a case of consent and the prosecutrix has clearly stated regarding this fact. Next submission is that as far as age of the prosecutrix is concerned, entries in the school records are highly doubtful because the father of the prosecutrix has stated that the date of birth recorded in the school record is only on approximation. Therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application.

5. Taking into consideration the age of the prosecutrix as recorded in the school records and that there are allegations of sexual intercourse, I am not inclined to grant bail to the applicant. The application is, therefore, rejected.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge