

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.151 of 2018**

- Aman Sheikh @ Sharuf Sheikh S/o Farukh Sheikh, Aged About 22 Years R/o Utraula Madhpur Chandoliya, P. S. Utraulil, District Balrampur Chhattisgarh
Present Address Jainatalab, Near Jarhagarh, P. S. Ambikapur District
Ambikapur Chhattisgarh , Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ambikapur
District Surguja Chhattisgarh , Chhattisgarh

---- Respondent

For Petitioner	:	Shri Awadh Tripathi, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/03/2018**

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.125/2017 registered at Police Station Ambikapur, District Surguja for the offence punishable under Section 363, 366, 376(2) (<) of IPC and Section 5 (घ), 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant kidnapped the prosecutrix, a minor girl, from the lawful custody of her guardians and it is alleged that thereafter, committed rape on her.

4. Learned counsel for the applicant submitted that the statement of the prosecutrix recorded under Section 164 Cr.P.C. would clearly show that the applicant and the prosecutrix had an affair and even the sexual intercourse was performed only with the consent of the girl. He further submits that the age of the girl is 17 & ½ years and the fact that the prosecutrix had left her house on the ground that she was beaten up by her father, shows that she left her house voluntarily. In these circumstances, the

applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the age of the prosecutrix, consent is immaterial therefore, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the age of the prosecutrix, I am not inclined to grant bail to the applicant.

7. Accordingly, the application is rejected.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E