

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 148 of 2018

Uttam Kumar Dahariya S/o Jagmohan Dehariya, Aged About 25 Years R/o
Village Ghuma, Police Station And Tahsil Bilha, District Bilaspur Chhattisgarh
, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station Bilha District Bilaspur
Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant	:	Shri M. K. Baeg, Advocate
For Respondent/State	:	Shri Chandresh Shrivastav, PL

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/03/2018

Heard.

1. The applicant has been arrested in connection with Crime No.218 of 2017 registered at Police Station- Bilha, District Bilaspur (CG) for the alleged commission of offence under Section 363, 366, 376 of IPC & U/S 4, 8, 12 of prevention of Children from sexual offence Act
2. Case of the prosecution is that the prosecutrix minor in age subjected to rape.
3. Learned counsel for the applicant would submit that false report has been alleged and in statement before the Magistrate under Section 164 of C.r.pc, prosecutrix, has clearly stated that prosecutrix had an affair with the applicant and after attaining the age of 18 years she married and there is no allegation of commission of sexual intercourse.
4. On the other hand, learned counsel for the State opposes and submits that prosecutrix is less than 18 years of age. Therefore, prima facie case is made out, even if it is a case of affair.

5. Having considered the submission of learned counsel for the parties, and taking into consideration the statement of the prosecutrix under Section 164 of Cr.P.C., The application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge