

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1770 of 2018

Purno Yadav S/o Durjan Yadav Aged About 27 Years Occupation Agriculture Labour R/o Chalha, Police Station Kapu, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dharamjaigarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ajeet Kumar Yadav, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate

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

Order On Board

16/03/2018

Heard.

1. This is the fifth bail application of the applicant. The applicant has been arrested in connection with Crime No.117 of 2016 registered in Police Station- Dharamjaigarh, District- Raigarh for the alleged commission of offence under Sections 363, 366, 376, 109, 120-B IPC and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped and 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. The applicant and prosecutrix had an affair and he did not kidnap her. Learned counsel for the applicant submits that the prosecutrix has died and, therefore, in these circumstances, the applicant may be granted bail particularly when some of the prosecution witnesses have already been

examined in the Court including the mother of the prosecutrix who has not clearly supported the case of the prosecution.

4. On the other hand, learned counsel for the State, opposing the bail application, submits that in the statement of the prosecutrix recorded under Section 164 Cr.P.C, it has been clearly stated that the applicant committed rape on her and as the prosecutrix was only 16 years of age at the relevant time, the consent, if any, is immaterial.
5. Having considered the submissions made by learned counsel for the parties, taking into consideration the nature of allegation against the applicant, age of the prosecutrix , no case for grant of bail is made out.
6. The application is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge