

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1857 of 2018**

Jagdish Prasad S/o Girdhari Lal Sharma Aged About 19 Years
 R/o- Village Pilwa, Tahsil- Fahlaudi, Police Station- Lohawar,
 District- Jodhpur (Rajasthan), At Present Rajsthani
 Bhojnalaya, Manpur, District- Rajnandgaon, Chhattisgarh.

----- Petitioner**Versus**

State of Chhattisgarh through- Station House Officer, Police
 Station- Manpur, District- Rajnandgaon, Chhattisgarh.

----- Respondent

For the applicant	:	Mr. Aditya Bhardwaj, Advocate
For the Respondent	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****14.05.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 74/2017 registered at Police Station- Manpur, District- Rajnandgaon (C.G) for the offences punishable under Sections 363, 366, 376 of IPC and section 6 of the Protection of Children from Sexual Offences Act, 2012 and section 3 (1) (xii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, a report was lodged by the mother of prosecutrix on 05.11.2017 that her daughter was missing. Subsequently she was found in the house of one Santosh Netam and on enquiry it was revealed that the

present applicant has allured the victim and took her away from the lawful guardianship of her parents and thereafter committed sexual intercourse.

3. Learned counsel for the applicant submits that the prosecutrix has been examined as P.W.3 and her statement would show that no allegations have been attributed to the applicant and even she went to the house of the applicant.
4. Per contra, learned State Counsel opposes the bail application. .
5. Perused the statement of prosecutrix. At this stage it would not be appropriate for this Court to evaluate the statement of prosecutrix alone. It is for the trial Court to examine the same along with the evidence of other witnesses and arrive at a finding on the same. Therefore, I am not inclined to allow this bail application. Accordingly it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**