

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3328 of 2018

- Dekeshwar Kumar Sahu S/o Manharan Sahu, Aged About 22 Years, R/o- Krishen Nagar Bajrang Chauk, Supela, Police Station Supela, District- Durg (CG)

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Supela, District- Durg (CG)

---- Respondent

For Applicant	:	Shri Tarun Dansena, Advocate
For Respondent	:	Shri Majid Ali, Panel Lawyer.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/05/2018

1. This is third bail application on behalf of the applicant who has been arrested in connection with Crime No.916/16 registered at Police Station Supela, District Durg (CG) on the allegation of having committed the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 5, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant committed rape on the prosecutrix who was minor in age.
3. Learned counsel for the applicant submits that the prosecutrix has been examined during trial and what she has deposed clearly makes out a case of consent. He would further submit that in the absence of clinching evidence regarding the age of prosecutrix, the applicant at this stage may

be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the prosecutrix has clearly stated that she was raped by the present applicant. Therefore, a prima facie case is made out.
5. Taking into consideration the submissions and perusal of the case diary, I am not inclined to grant bail to the applicant. Accordingly, the bail application is hereby rejected.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge

roshan/-