

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4131 of 2018

- Charan Singh @ Ajay Singh S/o Pawan Singh, Aged About 18 Years R/o Katkona, P.S. Bijuri, Tehsil - Kotma, District Annuppur (M.P.)

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through Police Station Gourela, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Shri Yogeshwar Sharma, Advocate.
For Respondent/State	:	Shri Anil Pillai, Dy. A.G.

Hon'ble Shri Pritinker Diwaker, J

Order On Board

02/07/2018

The applicant has filed this application under Section 439 of CrPC for grant of bail as he is in custody since 10.3.2018 in connection with Crime No.24/2018 registered at Police Station – Gourela, Distt. Bilaspur for the offence punishable under Sections 363/34, 376 of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.

02. As per prosecution case, on 21.1.2018 a written report was lodged by father of the prosecutrix alleging therein that her daughter has eloped with the applicant and ultimately she was recovered from the custody of the applicant on 13.2.2018.

03. Counsel for the applicant submits that before joining the company of the applicant, the prosecutrix had sworn an affidavit showing herself to be major. He submits that there is no legally admissible evidence showing the prosecutrix to be minor on the date of incident. It has further been argued that the evidence is almost complete and only formal witnesses are required to be examined.

04. On the other hand, State counsel opposing the bail application submits that date of birth of the prosecutrix is 21.5.2003 and as such, on the date of incident she was minor.

05. Heard counsel for the parties and perused the material available on record.

06. Considering the fact that evidence is at the verge of completion and that as on date it has come on record that the prosecutrix was a minor at the relevant time, I am not inclined to release the applicant on bail. Accordingly, the bail application is rejected.

However, it is made clear that while deciding the trial, the trial Court shall not get influenced by any of the observations made by this Court in this order.

Sd/

(Pritinker Diwaker)

Judge