

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4199 of 2018

- Dharam Das Mahant S/o Shri Sadhu Das, aged about 21 years, R/o- Village Baiga Para Sivni, P.S. & Tahsil - Champa, District- Janjgir-Champa (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. P.S. Champa, District- Janjgir-Champa (CG)

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate
For Respondent	:	Mr. Vivek Sharma, Government Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

02/07/2018

1. This is the first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 17.11.2017 in connection with Crime No.324/17 registered at Police Station Champa, District Janjgir Champa (CG) for the offence punishable under Section 376 (2) (N) (I) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the applicant has established physical relations with the minor prosecutrix on the false pretext of marriage and when she became pregnant, he refused to perform marriage with her.
3. Counsel for the applicant submits that the prosecutrix has not supported the prosecution case during trial and she has stated that she is 18 years of age.

4. On the other hand, learned State Counsel submits that unless the witnesses relating to age of prosecutrix are examined before the Court below, nothing can be addressed on merit.
5. At this stage, learned counsel for the applicant seeks to withdraw this bail application with liberty to revive the same after the evidence relating to age of the prosecutrix is adduced.
6. Consequently, the bail application is dismissed as withdrawn with the liberty as prayed for.

Sd/-
(Pritinker Diwaker)
Judge

roshan/-