

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 1054 of 2017**

Arjun S/o Munna Basor, aged about 30 years, R/o Village Korea Colliery, Police Station Chirmiri, Tahsil Baikunthpur, District Korea, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police of Police Station Patna, District Korea, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri Lav Sharma, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15/01/2018**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 99/2017 registered at Police Station Patna, District Korea (CG) for the offence punishable under Sections 363, 336 & 376 of IPC.

2. Counsel for the applicant submits that the initial statement of the prosecutrix under Section 161 CrPC was recorded where she has levelled allegation against the applicant but subsequently, the statement of the prosecutrix under Section 164 CrPC has not been recorded which itself shows that the investigation is faulty and the applicant should be given advantage of the same.

3. State counsel, however, opposing the bail application submits that from the materials available in the case diary it is clearly reflected that on the date of incident the prosecutrix was a minor girl aged around 16 years 8

months and therefore, the applicant is not entitled for grant of anticipatory bail.

4. Considering the age of the prosecutrix as well as the applicant and the statement of the prosecutrix recorded under Section 161 CrPC, this Court is of the opinion that prima facie, it is not a fit case for grant of anticipatory bail to the applicant.

5. Accordingly, the application filed u/s 438 Cr.P.C. for grant of anticipatory bail stands rejected.

Sd/-
(P. Sam Koshy)
Judge