

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.250 of 2018

- Jitendra @ Rahul Thakre Pawar S/o Late Devlal Thakre Aged About 23 Years
R/o Om Nagar Urla Near Churawali Shop Durg Police Station Pulgaon Distt.
Durg Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Pulgaon,
District Durg Chhattisgarh, Chhattisgarh

--- Respondent

For Petitioner: Shri Arvind Kumar Dubey with Shri Vikas Shrivastava, Advocate
For Respondent/State: Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/02/2018

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.593/2016 registered at Police Station Pulgaon, District Durg for the offence punishable under Section 376, 294 and 506 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant committed rape on the prosecutrix, who is minor in age.

4. Learned counsel for the applicant submitted that the applicant is in jail since 18-11-2016 and now the prosecutrix has been examined before the Court, therefore, he may be granted bail. Learned counsel for the applicant further submits that the prosecutrix has given a very improbable story that she was dragged and taken away to a distant place, where she was subjected to rape. He also submits that no injury was found on the body of the prosecutrix as also doctor has opined that there is no definite opinion regarding sexual intercourse. He also submits that dock identification of the applicant by the prosecutrix is liable to be rejected because in view of the provisions contained in Section 36 of the POSCO Act, the applicant could not be exposed to the prosecutrix, during trial.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the nature and gravity of allegation and the statement of the prosecutrix, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature and gravity of allegation, I am not inclined to grant bail to the applicant. Application is, therefore, rejected.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E