

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2113 of 2020**

- Dilip Kumar Ratre S/o Kunjram Ratre Aged About 18 Years Caste Satnami, R/o Village Kotmi Sonar, Tahsil And Police Station Akaltara, District Janjgir- Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Suhela, District Baloda Bazar- Bhatapara Chhattisgarh

---- Respondent

For Applicant	:	Shri Satya Prakash Verma, Advocate
For State	:	Shri Ravish Verma, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16/09/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.42/2020 registered at Police Station – Suhela, District – Baloda Bazar-Bhatapara (C.G.) for alleged commission of offences under Section 363, 366 (a), 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Prosecution case is that the applicant abducted and committed rape on the prosecutrix, a minor, aged about 16-17 years.
3. Learned counsel for the applicant would submit that the prosecutrix has clearly stated that she and the applicant were having long love affair and she voluntarily went along with the applicant but she has clearly denied that any sexual intercourse was committed on her by the applicant in her statement under Section 164 CrPC. Therefore, no *prima facie* case of offence under Section 376 IPC is made out. Therefore, it is prayed that at this stage, when the applicant is in jail since 26/02/2020 and investigation is complete, charge sheet has been filed, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that as per the charge sheet, the prosecutrix was hardly 16 years and 11 months old. Therefore, her consent is immaterial. He would further submit that in the FIR as well as in the case diary, there are allegations of sexual intercourse by the applicant.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the story as stated by the prosecutrix in her statement under Section 164 CrPC before the Magistrate and emphatic denial that any sexual act was done to her, present is a fit case for grant of bail.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge