

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4239 of 2020**

- Arun Chouhan S/o Sobhan Ram Aged About 19 Years Caste Chikva, R/o Village Natkela, Tehsil Bagicha, Police Station (Not Mention), District Jashpur, Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bagicha, District Jashpur, Chhattisgarh

**---- Respondent**


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| For Applicant | : | Mr. Arun Shukla, Advocate.       |
| For State     | : | Mr. Alok Bakshi, Additional A.G. |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****29/10/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.110/2020 registered at Police Station- Bagicha, District- Jashpur, C.G. for the offence under Sections 363, 366 & 376(N) of IPC and Sections 4 & 5(L) of POCSO Act.
2. Prosecution case is that the applicant abducted and committed rape on the prosecutrix. According to the prosecution, prosecutrix is a minor.
3. Learned counsel for the applicant would argue that statement of the prosecutrix recorded under Sections 161 & 164 Cr.P.C. would reveal that present is a case of consensual affair between the prosecutrix and the applicant. It is also submitted that the applicant and the prosecutrix have married, started living as husband and wife and also blessed with a child, therefore, at this stage, the applicant may be granted bail.
4. On the other hand, learned State Counsel opposes and submits that as per the charge sheet, the age of the prosecutrix was barely 15 years when she was taken away by the applicant. According to the school records, the date of

birth of the prosecutrix is 21.06.2004.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the material with regard to age of the prosecutrix that she was barely 15 years of age on the date she was taken away by the applicant and that the prosecutrix has stated regarding sexual intercourse and even having delivered a child, *prima facie*, a case is made out, therefore, present is not a fit case for grant of bail.
6. The bail application is accordingly rejected. However, the applicant would be at liberty to revive the bail application in case trial is not commenced/concluded and the applicant completes one year of pre-trial detention.

**Sd/-**

**(Manindra Mohan Shrivastava)**  
**Judge**

Ravi