

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4767 of 2020

Dharmendra Tandon S/o Sunder Tandon Aged About 27 Years
Resident Of Village Tekari, Police Station Mujgahan, District Raipur
Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through Its Police Station Mujgahan, District
Raipur Chhattisgarh **--- Respondent**

For Applicant	:	Mr. Ravi Maheshwari, Advocate
For State	:	Mr. Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.66 of 2020 registered at Police Station- Mujgahan, Civil & Revenue District Raipur (CG) for the alleged commission of offence under Section 363, 366, 376 509/34 of IPC and Section 4, 6 of the POCSO Act.
2. The prosecution case is that the applicant abducted the prosecutrix, she was taken to different places and rape was committed until she was recovered.
3. Learned counsel for the applicant referring to prosecutrix's statement under Section 164 Cr.P.C. would state that even according to prosecutrix, she remained with the applicant for over 2 days but she did not raise any objection nor offered any resistance nor called for any help which show that she was consenting party. He would next submit that according to prosecutrix, in her statement under Section 164 Cr.P.C., claims to be 17 years of age, whereas, the prosecutrix is normally showing her date of birth as 10.07.2007. He would submit that 07.10.2004 is also stated to be her date of birth, therefore, the date of birth of the prosecutrix is highly doubtful.

4. On the other hand, learned counsel for the State opposes the prayer and submits that as per the school records, date of birth of the prosecutrix is 10.07.2007 meaning thereby that on the date of alleged commission of offence, she was less than 14 years, therefore, story of consent has no relevance.

5. Taking into consideration the submission of learned counsel for the parties and the material with regard to age of the prosecutrix, present is not a fit case for grant of bail. The bail application is therefore rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge