

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5183 of 2020

Ajay Khute S/o Firangi Lal Khute Aged About 23 Years R/o College Road,
Champa, Police Station Champa, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Champa, District
Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ajay Ayachi, Advocate
For Respondent/State	:	Mr. Alok Bakshi, Additional A.G.
For Objector	:	Mr. Dharmesh Shrivastava, Advocate

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

Order On Board

05/10/2020

Heard.

1. The applicant has been arrested in connection with Crime No.101 of 2020 registered at Police Station- Champa (CG) for the alleged commission of offence under Section 376(2) (i) of IPC and Section 6 of POCSO Act.
2. Case of the prosecution is that the applicant sexually exploited the prosecutrix for a long time. It is the case of the prosecution that the prosecutrix is minor in age.
3. Learned counsel for the applicant would submit that the applicant is being falsely implicated because the applicant did not accept the marriage proposal given by the prosecutrix, who was in love with the applicant. He would submit that whatever has been stated by the prosecutrix in her statement under Section 164 Cr.P.C. is in material contradiction with her case diary statement with regard to place, time and duration of her meeting with the applicant preceding lodging of FIR. He would next submit that in both statements, it has been commonly stated that the main operative reason for lodging FIR was that the applicant did not accept the proposal of marriage stating that he would marry the prosecutrix only after she attains majority, therefore, the allegation of sexual intercourse is apparently an

afterthought.

4. On the other hand, learned counsel for the State and Objector oppose and submit that the prosecutrix is a minor and the applicant has been sexually exploiting her since long which fact came to the notice of family member also and later on, FIR has been lodged.
5. Taking into consideration what has been stated by the prosecutrix in 164 Cr.P.C. statement and also the material with regard to age of the prosecutrix who stated to be minor in age, present is not a fit case for grant of bail, at this stage, the bail application is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge