

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4673 of 2020**

Kamal Sahu S/o Chirounji Sahu Aged About 21 Years R/o Bhatgaon, Tahsil
and District- Dhamtari, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through- Station House Officer, Police Station Arjuni,
District- Dhamtari, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For State	:	Shri Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/09/2020**

1. Heard on application for grant of bail.
2. The applicant has been arrested on 15.03.2020, on the allegation of having committed offence under Sections 363, 366, 376 of Indian Penal Code and Section 6 of POCSO Act. He moved this application for grant of bail in connection with Crime No.112/2020 registered at Police Station Arjuni, District- Dhamtari, Chhattisgarh.
3. Prosecution allegation is that the applicant abducted the prosecutrix and committed rape upon her.
4. Learned counsel for the applicant would argue that 164 CrPC statement of the prosecutrix clearly shows that the prosecutrix and the applicant had an affair and there was no compulsion. He would further submit that the allegations of sexual intercourse are not clear and vague. Lastly, it is submitted that investigation is complete, charge-sheet has been filed and the applicant is in jail since 15.03.2020 and trial has not been concluded, therefore, he may be

granted bail, at this stage.

5. On the other hand, learned State counsel opposes the bail application and submits that as per the charge-sheet the date of birth of the prosecutrix is 13.03.2005 which prima-facie shows that during the period, she was remained with the applicant, during which she was subjected to sexual intercourse, she was minor, therefore, consent is immaterial.
6. I have heard learned counsel for the parties and considered the material on record, present does not appear to be a fit case for grant of bail. Therefore, the application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

Judge