

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5135 of 2020**

- Sunil Sahis S/o Dilip Sahis, Aged About 22 Years R/o Brejraj Nagar, Rampur Kolyari, Punjabi Ghawda Football Ground, Police Station Rampur, District Jharsugda Odisha, Present Address - Thakuriya Chowk, Janjgir, Police Station City Kotwali, District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh, Through - Police Station - Urga, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant : Shri Chitendra Singh, Advocate
 For Respondent/State : Shri Alok Bakshi, Additional AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/09/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.131/2019 registered at Police Station Urga, District Korba for the offence punishable under Section 363, 366, 368, 376/34 of the IPC and Section 6 & 17 of POCSO Act . The applicant was arrested on 04-02-2020.
2. Prosecution case is that the present applicant abducted the prosecutrix and committed rape on her, when she was minor.
3. Learned counsel for the applicant would submit that even according to the version of the prosecutrix, as reflected from her statement recorded under Section 164 of Cr.P.C., the prosecutrix had an affair and she married with the applicant and thereafter, started living along with the applicant as his wife. He would submit that the applicant and the prosecutrix had physical relations and out of their relationship, she had also become pregnant. Therefore, in these circumstances, the applicant may be granted bail.
4. On the other hand, learned counsel for the State/non-applicant opposes

the bail application by submitting that in view of documentary evidence and material collected by the prosecution, at the time, when the prosecutrix was abducted by the applicant, married and sexual intercourse committed, she was minor, therefore, consent, if any, would be immaterial.

5. Taking into consideration the material with regard to age of the prosecutrix, the present is not a fit case for grant of bail.

6. Accordingly, the application is rejected. However, in case, trial does not commence/conclude and the applicant completes one year of pre-trial detention, he may renew his bail application on the ground of delay in trial.

Certified copy as per rules.

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