

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5263 of 2020**

- Shankar Yadav S/o Sonadhar Yadav, Aged About 21 Years R/o Amagudapara Village Kanchnaar P.S. Bastar Tahsil Bakawand District Bastar Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Bastar District Bastar Chhattisgarh

---- Respondent

For Applicant	:	Shri Vikas A. Shrivastava, Advocate
For State	:	Shri Ravish Verma, Govt. Adv.
For Objector	:	Shri Lachhim Kashyap, father of the prosecutrix.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/09/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.59/2020 registered at Police Station – Bastar, District - Bastar (C.G.) for alleged commission of offences under Section 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Prosecution case is that on false pretext of marriage, the applicant kept on sexually exploiting the prosecutrix since 2017. The prosecutrix is stated to be minor in age.
3. Learned counsel for the applicant would submit that the allegation of the prosecutrix of she having been subjected to sexual intercourse since 2017 is not correct and allegations are exaggerated when marriage could not materialize. He would submit that now the parties are willing to go for compromise because now the prosecutrix has attained majority on 22/02/2020 and the report has been lodged only after she attained majority.
4. On the other hand, learned State counsel opposes prayer and submits that the

consent would be immaterial because the allegations of sexual exploitation since 2017 and prior to 22/02/2020, the prosecutrix was a minor as her date of birth as per the school records is 22/02/2002.

5. The father of the prosecutrix Lachhim Kashyap, who has appeared through video conferencing from the Help Desk of District Legal Services Authority, Jagdalpur states that now he is willing to go for a compromise with the applicant.

6. Having considered the submission of learned counsel for the parties, particularly taking into consideration that according to the prosecution, date of birth of the prosecutrix is 22/02/2002, present does not appear to be a case for grant of bail. The application is, therefore, rejected.

At this stage, learned counsel for the applicant submits that he may be permitted to repeat the application, in case, trial is not concluded early.

It will always be open for the applicant to repeat the bail application at an appropriate stage.

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