

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5297 of 2020

Vinod Kumar S/o Vijay Singh Aged About 22 Years R/o Village
Manjhouli, P.S. Khadgava, District Koriya Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer Khadgava, District
Koriya Chhattisgarh ---- **Respondent**

For Applicant	:	Mr. Vijay Kumar Sahu, Advocate.
For Respondent/State	:	Mr. Alok Bakshi, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.53 of 2020 registered at Police Station- Khadgava, District Koriya (CG) for the alleged commission of offence under Section 363, 366, 376(2) (᳚) of IPC and Section 6 of POCSO.
2. Case of the prosecution is that the applicant called the prosecutrix on 10.03.2020 in his house and she was compelled to stay to overnight and on 11.03.2020, she was subjected to rape.
3. Learned counsel for the applicant would argue that he has been falsely implicated. According to the prosecutrix, she of her own will, came to the house of the applicant. The allegation of sexual intercourse is improbable. Medical report does not show any sign of rape. The prosecutrix, at the time when the bail application was heard before the Court below, stated no objection.
4. On the other hand, learned counsel for the State opposes the prayer and submits that the consent of the prosecutrix has no relevance because as

per the evidence available with the investigating authority, the date of birth of the prosecutrix is 23.05.2003 which show that on the date of incident, the prosecutrix was less than 18 years of age.

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

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha