

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5657 of 2020**

- Niraj Jangde @ Nirja S/o Ballu Jangde Aged About 29 Years R/o Village Marukapa, Police Station Lalpur, District Mungeli Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Lalpur, District Mungeli Chhattisgarh. --- **Respondent**

For Applicant	:	Shri C.P. Lahrey, Advocate
For State	:	Shri Dinesh Tiwari, Dy.G.A.
For Objector	:	Shri Shailendra Shukla, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/10/2020**

1. Heard on application for grant of bail.
2. The applicant has been arrested on 15.06.2020, on the allegation of having committed offence under Sections 363, 366, 376 of I.P.C. & 4, 6 of POSCO Act. He moved this application for grant of bail in connection with Crime No.117/2020 registered at Police Station- Lalpur, District- Mungeli (C.G.).
3. Prosecution case is that the applicant committed rape on the prosecutrix on 12.06.2020 when she was barely thirteen and half years of age.
4. Learned counsel for the applicant would argue that the applicant has been falsely implicated, he has not committed any offence. The prosecutrix's statement under Section 164 of CrPC clearly shows that the prosecutrix by own herself has entered into the house of the applicant and whatever happened between them was consensual and not compulsive act.
5. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that as per school records date of birth of the prosecutrix is

11.12.2006 meaning thereby that on the date of incident of alleged commission of offence the prosecutrix was barely thirteen and half years of age, therefore, consent is immaterial.

6. I have heard learned counsel for the parties, taking into consideration the material with regard to the age of the prosecutrix, it does not appears to be a fit case for grant of bail.

7. Accordingly, the bail application is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Nadim