

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5417 of 2020**

- Yogesh Baghel S/o Shri Prakash Baghel Aged About 20 Years Resident Of Tikrapara, Sidharth Chowk, Nagar Nigam Colony, Tikrapara, District Raipur, Chhattisgarh. (Not Mentioned In The Impugned Rejection Order Of The Learned Court Below)

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Raipur, District Raipur, Chhattisgarh

**---- Respondent**


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| For Applicant | : | Shri C.R.Sahu, Advocate           |
| For State     | : | Shri Gagan Tiwari, Dy. Govt. Adv. |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****01/10/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.188/2020 registered at Police Station – Kotwali, Raipur (C.G.) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant abducted and kept the prosecutrix with him and committed rape on her. The prosecutrix is stated to be minor in age.
3. Learned counsel for the applicant would submit that the statement of the prosecutrix under Section 164 CrPC clearly shows that everything happened with the consent of the prosecutrix and it is the parents of the prosecutrix who are unnecessary making report in the police station, though the prosecutrix is willing to reside with the applicant because there is an affair between them. He would submit that even according to the prosecution case, the age of the prosecutrix is more than 16 years. Therefore, at this stage, the applicant may be granted bail.

4. Learned State counsel opposes bail application and submits that as per the school records, the date of birth of the prosecutrix is 18/07/05 i.e. on the date of incident, the prosecutrix was clearly a minor. Therefore, consent would be immaterial.

5. Taking into consideration the submission of learned counsel for the parties, particularly with regard to the age of the prosecutrix that she was a minor on the alleged date of incident, present is not a fit case for grant of bail. The application is, accordingly, rejected.

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