

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6085 of 2020

Prahlad Ratre @ Pintu Son Of Ghanshyam Ratre Aged About 22 Years
Resident Of Village Tulsi, Police Station Kharora, District Raipur
(Chhattisgarh) **---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Tumgaon, District
Mahasamund (Chhattisgarh) **---- Respondent**

For Applicant	:	Shri Pawan Kumar Kashyap, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional A.G.

S.B. 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.21 of 2020 registered at Police Station- Tumgaon, District Mahasamund (CG) for the alleged commission of offence under Section 363, 376 (2) (᳚) of IPC and Section 4 & 6 of the POCSO Act.
2. Case of the prosecution is that in the grab of love affair, the applicant subjected the prosecutrix to rape in January, 2019 and thereafter in February, 2020 until she was recovered on 12.02.2020.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and he has not committed any offence. In the prosecutrix statement under Section 164 Cr.P.C., prosecutrix has clearly stated that she was in love affair with the applicant, therefore, present is a case of consent.
4. On the other hand, learned counsel for the State opposes the bail application and submits that as per statement under Section 164 Cr.P.C., the applicant subjected the prosecutrix to rape on more than one occasion firstly, in January, 2019 and thereafter, in February, 2020. According to school records, second during investigation, date of birth of the prosectrix is 14.05.2003 meaning thereby that on the date of alleged commission of offence, she was less than 18 years, therefore, story of consent has no relevance.

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

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha