

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5975 of 2020**

- Ajay Chandra S/o Paras Ram Chandra Aged About 24 Years R/o Dhodhipara, Korba, Police Station Kotwali Korba, Tahsil And District Korba, Chhattisgarh

---- Applicant**Versus**

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

---- Respondent

For Applicant/s	:	Mr. Anil Gulati, Advocate.
For State	:	Mr. Ravish Verma, G.A.

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

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.587/2020 registered at Police Station-Kotwali Korba, District-Korba, C.G. for the alleged commission of offence under Sections 363, 366-A & 376 of IPC and Sections 4 & 6 of POCSO Act.
2. Prosecution case is that the applicant abducted the prosecutrix, married her and subjected her to sexual intercourse. It is the case of the prosecution that the prosecutrix is a minor.
3. Learned counsel for the applicant would submit that the allegations against the applicant are exaggerated. Though the prosecutrix and the applicant were having an affair, the allegation of abduction and rape is false. He would submit that in her statement under Section 164 Cr.P.C. even before the Magistrate, she has clearly stated that she herself had gone along with the applicant as she was having an affair and thereafter she married and that no sexual intercourse ever took place between her and the applicant.
4. On the other hand, learned State Counsel opposes and submits that the statement of the prosecutrix under Section 161 Cr.P.C., coupled with medical

report clearly shows that the prosecutrix was subjected to rape. He would submit that according to the records of the school, the date of birth of the prosecutrix is 11.07.2003, therefore, she was minor and as such, consent is immaterial.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix under Section 164 Cr.P.C. where she has emphatically stated that no sexual intercourse ever happened between her and the applicant, present is a fit case for grant of bail to the applicant.
6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge