

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6021 of 2020**

- Bablu Usendi S/o Jaisingh Usendi Aged About 21 Years R/o Anvalapara, Dhanora, District Kondagaon, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Dhanora, District Kondagaon, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Kishore Narayan, Advocate.
For State	:	Mr. Alok Bakshi, Additional A.G.

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.26/2019 registered at Police Station- Dhanora, District-Kondagaon, C.G. for the offence under Sections 363, 366, 376 & 506 of IPC and Section 6 of POCSO Act.
2. Prosecution case is that the applicant abducted the prosecutrix and subjected her to rape. According to the prosecution, age of the prosecutrix is less than 18 years.
3. Learned counsel for the applicant would submit that the allegations against the applicant are false and baseless. According to the prosecutrix statement, she was initially having affair with the applicant and she married the applicant in the month of January, 2020 and residing in the house of the applicant and at the instance of her father, a false report has been lodged. He would submit that the parties are tribal and school records do not have any basis to record to the age of the prosecutrix. Even according to the prosecution, the prosecutrix would have attained majority on 04.02.2020, and therefore, looking to the age of the prosecutrix, long pre-trial detention and story of love affair, the applicant may be granted bail.

4. On the other hand, learned State Counsel opposes and submits that as per statement of the prosecutrix under Section 164 Cr.P.C., she was abducted on 18.10.2019 and kept in confinement until 15.11.2019 and during this period, she was subjected to rape. He would submit that according to the school records, date of birth of the prosecutrix is 04.02.2002 and X-ray report also opined that bone age of the prosecutrix is 15 to 17 years.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the material with regard to age of the prosecutrix, present is not a fit case for grant of bail.
6. The bail application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge