

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6049 of 2020**

- Gokul Thakur S/o Late Meghnath Thakur Aged About 20 Years R/o Village Aklordih, Police Station Bhilai - 3, Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Pawan Kashyap, 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.57/2020 registered at Police Station- Devendra Nagar, District- Raipur, C.G. for the offence under Sections 363 & 376 of IPC and Section 4 of POCSO Act.
2. Prosecution case is that the applicant abducted the prosecutrix on 19.07.2020 to different places and it is alleged that he committed sexual intercourse with the prosecutrix. According to prosecution, prosecutrix is minor in age.
3. Learned counsel for the applicant would argue that the prosecutrix own statement under Section 164 Cr.P.C. shows that the prosecutrix had called the applicant as she was not willing to continue to reside with her sister. He would further submit that according to the prosecution, sexual intercourse was with her full consent. The date of birth of the prosecutrix is still to be proved by the prosecution and school records are not clinching evidence.
4. On the other hand, learned State Counsel opposes and submits that statement of the prosecutrix under Section 164 Cr.P.C. shows that she was taken away by the applicant and the applicant committed sexual intercourse

as prosecutrix is less than 18 years of age, consent is immaterial. According to the school records, date of birth of the prosecutrix is 15.07.2003.

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

Ravi