

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6053 of 2020

Dharam Singh Yadav S/o Shri Ganesh Ram Yadav Aged About 24 Years R/o Village Sondadar, Thana Bagbahra, District Mahasamund, Chhattisgarh

----Applicant

Versus

The State Of Chhattisgarh Through The Station House Officer Police Station Mahasamund, District Mahasamund, Chhattisgarh **---- Respondent**

For Applicant	:	Shri Sumit Shrivastava, Advocate
For Respondent/State	:	Shri Ravish Verma, G.A.

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.701 of 2018 registered at Police Station- Mahasamund, District Mahasamund (CG) for the alleged commission of offence under Section 363, 366, 376 of IPC and Section 4 of the Protection of Children's From Sexual Offences Act, 2012
2. Case of the prosecution is that the applicant abducted and took the prosecutrix along with him to State of UP and it is alleged that there, he committed sexual intercourse, in which, prosecutrix became pregnant and also gave birth to a child. It is stated that the prosecutrix was a minor.
3. Learned counsel for the applicant would submit that the prosecutrix statement under Section 164 Cr.P.C. clearly shows that the prosecutrix herself had accompanied the applicant in search of employment without any compulsion. He has further stated that she married present applicant only after she attained the majority. He would submit that even if the child was born out of their relationship, it is not clear from the statement under Section 164 Cr.P.C. when she conceived, therefore, there is serious doubt with regard to time when she entered into sexual intercourse with the applicant. Therefore, the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that though the prosecutrix has come out with the case of having married the present applicant after attaining majority, according to school record, second during investigation, date of birth of the prosecutrix is 04.04.2002. Se has stated on 16.08.2020 that she is carrying a child aged 2 months meaning thereby that she conceived in the year 2019, itself, when she was minor.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the age of the prosecutrix at the time when she conceived child, it is not a fit case for grant of bail. The bail application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge