

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 157 of 2021

Narendra Madari S/o Nilo Madari Aged About 26 Years R/o Malkangiri District
Malkangiri (Odisha) (address of applicant wrongly mentioned in order impugned)

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Kota, District Bilaspur
Chhattisgarh

---- Respondent

For Applicant	:	Shri Pravin Kumar Tulsyan, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/06/2021

Heard.

1. The applicant is arrested in connection with Crime No.586/2019 registered in Police Station -Kota, District- Bilaspur (CG) for alleged commission of offence under Sections 363, 366, 376 IPC and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. This is the repeat application for grant of bail by the applicant. His first bail application was dismissed as withdrawn on 15.9.2020.
3. It is the case of the prosecution that the applicant committed rape on the prosecutrix, minor in age.
4. Learned counsel for applicant would submit that in her statement under Section 164 Cr.P.C., the prosecutrix does not state that she was subjected to sexual intercourse and all that she says is that she was kept by the applicant

as his wife. Therefore, at this stage, the applicant may be considered for grant of bail.

5. On the other hand, learned counsel for the State opposed the bail application by submitting that according to the prosecution case, the applicant had committed rape on the prosecutrix and consent has no meaning because the prosecutrix is a minor in age. He submits that medical report also shows that sexual intercourse was committed on the prosecutrix.
6. Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration the medical report, present is not a fit case for grant of bail.
7. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge