

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3651 of 2021**

- Parmeshwar Rajwade S/o Sukhnath Rajwade, Aged About 22 Years Occupation Agriculture, R/o Village Gorta, Police Station And Tahsil Lakhanpur, District Surguja Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Lakhanpur, District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Shri D.N.Prajapati, Advocate
For State	:	Shri Mateen Siddiqui, Dy.A.G.
For prosecutrix	:	Shri P.L.Yadav, counsel engaged through Legal Aid

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****31/08/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.61/2020 registered at Police Station – Lakhanpur, District – Surguja (C.G.) for alleged commission of offences under Section 376 of IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
2. This is repeat application. Earlier application was dismissed as withdrawn. The allegation is of commission of offence under Section 376 IPC.
3. Prosecution case is that the prosecutrix is a minor and is subjected to rape.
4. Learned counsel for the applicant submits that the prosecutrix has been examined in the Court, in which she has stated before the Court that without her consent, no sexual intercourse was committed on her. It is next submitted that the trial is not complete and the applicant has faced 1 year and 2 months of pre-trial detention. Therefore, he may be now granted bail.

5. On the other hand, learned State counsel opposes prayer and submits that the applicant is being prosecuted for commission of heinous offence. It is not a case where the prosecutrix turned hostile and not supported the case of the prosecution. Whether her evidence is reliable or not is a matter of investigation.

6. Counsel engaged through Legal Aid submits that he has no objection.

7. Considering the submission of learned counsel for the parties, without commenting much against the evidence not collected with regard to date of birth of the prosecutrix, this application is rejected. However, with liberty to revive if trial is not concluded within next four months.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge