

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7305 of 2021

Ravi Kumar Taram S/o. Lakhan Lal Taram Aged About 20 Years
R/o. Village - Ghotiya, Tahsil / Thana - Manpur, Distt.- Rajnandgaon
(Chhattisgarh)

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station - Mohla, Distt.-
Rajnandgaon (Chhattisgarh)

---- Respondent

For applicant - Shri Samir Singh, Advocate.
For Respondent/State – Shri Sanjay Pathak, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/12/2021

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.72/2021 registered in Police Station Mohla, Distt. Rajnandgaon (C.G.) for offence punishable under sections 363, 366, 341, 376(2)(n) of Indian Penal Code & under section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the prosecutrix was enticed away by the applicant from the lawful custody of her parents, thereafter committed forceful sexual intercourse, she being minor offence has been registered.
3. Learned counsel for the applicant submits that the prosecutrix has been examined before the court. It would show that she was a consenting party and she was in the company of the applicant at her own wish and no force was exerted. He further submits that father of the prosecutrix also was not able to prove the age of the prosecutrix, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Considering the fact despite service of notice no representation is made on behalf of the informant. Considering the fact victim has already been examined, it will not be proper for this court to evaluate the evidence of the victim which is left open for the trial court to evaluate the facts the admissibility and age of the prosecutrix while considering the other evidence. Any finding by this Court may prejudice the trial of either of the prosecution or victim, therefore I am not inclined to comment on merit at this stage.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE