

Omprakash Alias Oman Vs. State of M.P.

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SooperKanoon Citation : sooperkanoon.com/496006

Court : Chhattisgarh

Decided On : Nov-24-2000

Reported in : 2001(1)MPHT25(CG)

Judge : Mr. R.S. Garg, a.C.J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 439; [Indian Penal Code \(IPC\), 1860](#) - Sections 376 and 450

Appeal No. : Misc. Cr. Case No. 5855/2000

Appellant : Omprakash Alias Oman

Respondent : State of M.P.

Advocate for Def. : Dr. N.K. Shukla, Deputy Adv. General

Advocate for Pet/Ap. : Shri R.K. Singh, Adv.

Disposition : Misc. Criminal Case allowed

Judgement :

ORDER

R.S. Garg, Ag.C.J.

1. Heard.

2. Diary of Crime No. 109/2000 registered at Police Station, Gurur (Durg) for offences punishable under Sections 376 and 450, IPC perused.
3. The prosecution allegations are that the applicant allured and seduced a girl, who was below 15 years after assuring her of marriage and as the girl was below 16 years of age, the applicant is answerable to the charge.
4. From the records, it clearly appears that the girl was a consenting party and there is a serious dispute about her age. The prosecution says that the date of birth of the girl is 2-2-85 while from the order of the Court below, it appears that the date of birth as per Kotwar pustak is 7-1-84.
5. Be that as it may, taking into consideration, the nature of allegations and conduct of the prosecutrix, I consider present to be a fit case for admitting the applicant to bail.
6. The applicant be released on bail on his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Chief Judicial Magistrate, Durg.
7. Certified copy today.
8. Misc. Criminal Case allowed.