

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6160 of 2015

Tarkeshwar Banjare, S/o. Ramkhilawan Banjare, Aged About 22 Years,
R/o. Mudpar, Police Station Jamul, District Durg, Civil & Revenue District
Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Jamul, District –
Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.289/2014 registered at Police Station- Jamul, District Durg (C.G.) for the offence punishable under Section 363, 366 of Indian Penal Code and Section 8 of Prevention of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that a missing report was lodged by the mother of the victim/ prosecutrix that on 18.09.2014 the present applicant abducted the prosecutrix and took her to his village and thereafter she was recovered from the house of the present applicant.
3. Learned counsel for the applicant submits that the statement of the prosecutrix under Section 164 of Cr.P.C. is recorded and it would reveal that the victim/prosecutrix herself volunteered that she went alongwith the applicant and performed marriage and was

living alongwith the applicant, therefore, no case of abduction is made out. Therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statement recorded under Section 164 of Cr.P.C. wherein the ingredients of offence appears to be prima facie missing, as the prosecutrix herself went along with the applicant and performed marriage and stayed with him. Therefore, considering the statement under Section 164, without any observation on merit, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge