

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 159 of 2016

Raja Banjare @ Narendra Kumar Banjare, S/o. Late Chhabi Ram Banjare, aged about 19 years, R/o. of Etwari, Satnami Para, Veergaon, Police Station Urla, Raipur District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through its Police Station Nandini, District Durg Civil and Revenue District Durg (C.G.)

---- Respondent

For Applicant	:-	Mr. B.L. Sahu, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2016

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. 256/2015 registered at Police Station- Nandini, Civil and Revenue District Durg (C.G.) for the offence punishable under Section 363,366 and 376 of IPC and section 4,6, of Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that on 08.11.2015, a report was made by the mother of the prosecutrix, alleging that the applicant enticed the girl who was minor aged about 16 years and 4 months. Subsequently, the girls was recovered from the possession of the applicant on 09.11.2015. Thereafter, on the

report of the mother of the prosecutrix a case was registered and during the course of investigation it was found that the applicant enticed the prosecutrix on the pretext of marriage and committed sexual intercourse with the prosecutrix.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the prosecutrix of her own travelled with the applicant and she was not enticed at the instance of the applicant and no rape has been committed by the applicant and the prosecutrix had voluntarily went alongwith the applicant. He further submits that the applicant is in jail since 09.11.2015 and considering the period of detention he may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and perusal of the statement recorded under section 161 and 164 of Cr.P.C. wherein the prosecutrix has not supported the case of the prosecution. Taking into account of the fact, that the contradictory statement have been made. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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.

8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Santosh