

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5071 of 2016

- Ajay Kumar Banjare S/o Shivdas Aged About 21 Years R/o Village Sonpuri, Police Station & Tahsil Pandariya, Civil And Rev. Distt. Kabirdham Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through District Magistrate/ Station House Officer, Police Station Pandariya, District Kabirdham Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Dharmesh Shrivastava, Advocate
For the Respondent	:	Mr. Anupam Dubey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 145/2016 registered at P.S. Pandariya, Distt. Kabirdham (C.G) for the offence punishable under Sections 363, 366, 376 of IPC & Sections 3 & 4 of Protection of Children from sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by one Smt. Kumari Bai that her minor girl was found missing and thereafter during investigation, the girl was recovered on 26.6.2016 and it was alleged that the applicant has enticed away the minor girl from the lawful custody and thereafter has committed forcible sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the girl of her own has joined the company of the applicant and the applicant has not enticed away her. He further submits that the charge

sheet in this case has been filed and the applicant is in jail since 27.06.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary as also the statements of prosecutrix recorded u/ss 161 and 164 Cr.P.C., wherein she has stated that she herself has joined the Company of applicant and no allegation of sexual assault has been attributed to the applicant.
6. Taking into such statement of the prosecutrix as also the fact that charge sheet has been filed, without any further observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**