

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C.No. 4359/2016**

- Lokesh Kumar Banjare S/o Late Kedar Banjare Aged About 21 Years  
R/o Village Bhatagaon, Post Batang, Tah Patan, P.S. - Patan, Distt. -  
Durg Chhattisgarh --- **Petitioner**

**Versus**

- State of Chhattisgarh Through : P.S. - Kotwali, Distt. Raipur  
Chhattisgarh --- **Respondent**

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| For the applicant  | : | Mr. Devershi Thakur, Advocate |
| For the Respondent | : | Mr. Lav Sharma, Panel Lawyer. |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**08.08.2016**

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. 303 of 2015 registered at P.S. Kotwali, Distt. Raipur (C.G) for the offence punishable under Section 363, 366, 376(2)(m) of IPC and section 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was lodged by the father Shiv Bhoi that his minor daughter went missing and subsequently the girl was found in the custody of the present applicant. On investigation, it was found that the applicant has enticed away the minor girl on the pretext of marriage and thereafter committed forcible sexual intercourse.
3. Learned counsel for the applicant submits that the report was made on 01.10.2015, at that time, the victim girl was minor. He further submits that both the girl and the applicant were in love relations and they have performed marriage, therefore, no offence has been committed. He further

submits that now the girl has attained the age of majority. It is also submitted that the applicant is in jail since 29.03.2016 and no further investigation is necessary, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim prosecutrix. Taking into statement of prosecutrix wherein she has stated that she has performed marriage and further considering the degree of allegations and the totality of the facts and circumstances of the case, I am inclined to release the applicant on bail.
6. 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**