

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1438 of 2016**

Santosh Banjare, S/o Agrahit, aged about-23 years, r/o-
Sukul Daihan, P.S.- Lalbag, District- Rajnandgaon (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through Station House Officer,
Police Station – Lalbag, District Rajnandgaon (C.G.)

-----Non-applicant

For Applicant: Mr. Pramod Verma, Senior Advocate
with Shri Sumit Verma, Advocate.

For Non-applicant/State: Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/04/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 121/2013 registered at Police Station Lalbag, Revenue & Civil District - Rajnandgaon for the offences punishable under Sections 363, 366 & 376 of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act.

(2) Case of the prosecution, in brief, is that applicant committed sexual intercourse with the minor prosecutrix from 31.03.2013 to 2.10.2014 and thereby committed the aforesaid offences.

(3) Learned Senior Counsel for the applicant submits that the six prosecution witnesses have been examined and they have not supported the case of prosecution and, as such, there is no evidence about the age of the prosecutrix to be minor and, therefore, the applicant may be released on bail.

(4) Counsel for the State opposes the bail application and submits that the prosecution witnesses have fully supported the case of the prosecution and therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case and the manner in which the offence is said to have been committed and taking into account the evidence available in the case diary against the applicant; I am not inclined to release the applicant on bail. Thus, the bail application is rejected. However, the trial Court is directed to conclude the trial expeditiously preferably within a period of three months from the date of receipt of certified copy of this order as six witnesses have already been examined.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-