

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6021 of 2016

1. Vijay Kumar Banjare, S/o. Santlal Banjare, aged about 20 years, R/o. Village- Panduka, Out Post – Jalbandha, Police Station and Tahsil Khairagarh, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the District Magistrate, Rajnandgaon, District – Rajnandgaon (C.G.)

---- Respondent

AND

M.CR.C. No. 6111 of 2016

1. Dharmendra Baghel, S/o. Gangadhar Baghel, aged about 26 years, R/o. Village-Panduka, Police Chowki – Jalbandha, Post Office, Police Station & Tahsil – Khairagarh, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Khairagarh, District – Rajnandgaon (C.G.)

---- Respondent

For Applicants	: Mr. Abhishek Pandey, Advocate & Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/10/2016

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.449/2015, registered at Police Station – Khairagarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 354, 323/34 of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that on 26.12.2015 a report was made by the Pratap Mourya that his daughter has been forcefully abducted and assaulted by the present applicants Vijay Kumar Banjare and Dharmendra Baghel. Subsequently, the girl was recovered from the possession of Dharmendra Baghel. Thereby the offence has been committed.
3. Learned counsel for the applicant, Vijay Kumar Banjare would submit that only allegation of assisting Dharmendra Baghel has been attributed to the applicant Vijay Kumar Banjare and no sexual overt act has been reported. He further submits that Dharmendra Baghel and the girl were known to each other, charge-sheet in this case has been filed and the applicant, Vijay Kumar Banjare is in jail since 18.08.2016, therefore, he may be enlarged on bail.
4. Learned counsel for the applicant, Dharmendra Baghel would submit that the applicant, Dharmendra Baghel and the victim/girl were in love relation and they have performed marriage on 10.08.2016 at Arya Samaj Supela, Bhilai Nagar, which is evident from the document Annexure A/3, which is a copy of marriage certificate and submitted that false allegations have been attributed against the applicant, therefore, the counsel prays that the applicant may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application
6. I have heard learned counsel appearing for the parties.
7. Perused the case diary, documents, statement of the victim and considered the copy of marriage certificate. Taking into the degree

of allegation levelled against the applicant, Vijay Kumar Banjare and further taking into the fact that the applicant, Dharmendra Baghel appears to have married with the girl/victim on 10.08.2016, taking into the totality and the facts and circumstances of this case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge