

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3983 of 2017

- Baban @ Babban Banjare Son Of Shankar Deen Banjare, Aged About 22 Years Resident Of Village - Girhola, Police Station Nandini, Revenue And Civil District - Durg (Chhattisgarh)

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer Police Station Parpodi, District - Bemetara (Chhattisgarh)

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-06-2017

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 on 21-3-2017 in connection with Crime No. 03 of 2017, registered at Police Station Parpadi, District Bemetara (CG) for the offence punishable under Sections 363, 366 (a) and 376 of the IPC and Sections 4, 5, 6 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 9-1-2017 a report was made by the father of the prosecutrix that his minor daughter was missing from 5-1-2017 and subsequently she returned back to her house. On enquiry, it revealed that the applicant enticed away the minor girl from lawful guardianship of her parents on the pretext of marriage and thereafter committed sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that after victim girl came back to her house, her statement was recorded under

Section 161 of the Cr.P.C., on 16-1-2017 and her statement was recorded under Section 164 of Cr.P.C., on 27-1-2017 and lastly her statement was recorded on 21-2-2017. It is further submitted that in first two statements, no allegations were attributed against the present applicant, however, in last statement recorded on 21-2-2017 allegations have been attributed to the present applicant, therefore, false allegations have been attributed to the present applicant. It is further submitted that the charge-sheet has been filed in this case, he is in jail since 21-3-2017 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.C., on 16-1-2017, 27-1-2017 and 21-2-2017.
7. Taking into consideration the facts and circumstances of the case and further considering three sets of statement of the prosecutrix which are contradictory, without any observation on the merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju