

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7773 of 2017**

Jai Prakash Banjara, S/o. Prem Singh Banjara, Aged About 22 Years, R/o. Village Ratanpur Tihli Sarai, Police Station Station -Kapu, District -Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through :Station House Officer, Police Station -Kapu District -Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vivek Kumar Pandey, Advocate
For Respondent/State	: Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/02/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.34/2017, registered at Police Station – Kapu, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4, 6 Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out on the basis of the material present in the charge-sheet against him. Prosecutrix has given clear statement under Section 164 of Cr.P.C. exonerating this applicant from the guilt even then he is being prosecuted. Applicant is in jail since 08.07.2017. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution in brief is that the mother of the prosecutrix lodged FIR naming the applicant, that he has abducted the minor prosecutrix. When the prosecutrix was recovered, then on the basis of her statement, the offence of abduction with intention to submit her to sexual exploitation and offence of rape was also added along with the offence under the POSCO Act.
6. Considered the submissions made and the contents of the case diary. Perusal of the case diary statement and the statement recorded under Section 164 of Cr.P.C., the arguments submitted on behalf of the applicant finds support, hence, for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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/-
(Rajendra Chandra Singh Samant)
Judge