

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1485 of 2018**

- Sandeep Kumar Banjare S/o Vibhishan Banjare Aged About 19 Years
R/o- Bahnakadi, Police Station Mandir Hasaud, District- Raipur,
Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Of Police
Station- Mandir Hasaud, District- Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh

-- Respondent

For Petitioner	:	Shri B. L. Sahu, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****20/04/2018**

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.300/2017 registered at Police Station Mandir Hasaud, District Raipur for the offence punishable under Section 363, 366 & 376 of IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant kidnapped the prosecutrix and thereafter committed rape on her.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated and he has not committed any such offence. It is also submitted that the prosecutrix is major because as per the Kotwari Register, she was born on 14-01-1999. It is further submitted that the prosecutrix has now been examined before the Court and she has clearly stated that no sexual intercourse was committed with her by the applicant, therefore, at this stage, it is prayed that the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that as per the school record, the age of the prosecutrix is 10-05-2002, therefore, on the date of alleged incident, she is less than 18 years of age. It is lastly submitted that as the prosecutrix is minor, consent would not absolve the applicant from criminal liability.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has now been examined before the Court and she has clearly stated that no sexual intercourse was committed with her by the applicant and that she had an affair with the applicant, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E