

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1686 of 2018

- Maharaja Banjare, age about 19 years, S/o Shri Manrakhan Banjare, R/o Village- Dhobbhatti, P.S.- Arang, District- (Revenue & Civil)- Raipur (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Arang, District- Raipur (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Yogesh Pandey, Advocate.
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/04/2018

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. 473/2017 registered at Police Station– Arang, District– Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 07.12.2017. After completion of investigation, charge-sheet has been filed and trial is still pending before the trial Court. Hence, it is prayed that he may be released on bail.
3. Learned State counsel opposes the bail application and submissions made in this respect and submits that on the date of incident age of the

prosecutrix was aged about 15 years, consequently, any consent given by her is immaterial, hence, no case is made out for grant of regular bail to the applicant.

4. Heard both the parties and perused the case diary.
5. As per the case of prosecution, this applicant used to sexually exploit the minor prosecutrix on various occasions by alluring her that he will marry with her. Hence this case.
6. On perusal of the material present in the case diary, it is apparent that the age of the prosecutrix was merely 15 years on the date of incident and looking to the evidence present in the case, I am of the view that this is not a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge