

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2500 of 2018**

Bhoj Kumar Banjare Son of late Heera Singh, aged about 28 years, resident of village – Kugda, Police Station – Kumhari, District Durg (CG)

**---- Applicant****Versus**

State of Chhattisgarh through Station House Officer, Police Station - Kumhari, District Durg (CG)

**---- Respondent**


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| For Applicant        | : | Shri B. P. Singh, Advocate           |
| For Respondent/State | : | Shri Ashutosh Shukla, Govt. Advocate |

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**Hon'ble Shri Justice Pritinker Diwaker****Order On Board****21/05/2018**

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 151/2017 registered at Police Station Kumhari, District – Durg for the offence punishable under Sections 342, 363/34, 366/34, 376 read with Section 34 of IPC and Section 5 (a) & 6 of Protection of Children from Sexual Offences Act, 2012.

2. As per the prosecution case, the applicant was having affair with the prosecutrix and on the pretext of marriage he had physical relation with her on many occasions.

3. Counsel for the applicant submits that as the prosecutrix was seen by her mother in the company of the applicant and his friends, initially a missing report was lodged and thereafter the prosecutrix also lodged the report against the applicant. He submits that the prosecutrix

was a consenting party and even as on date, the applicant is willing to marry her. He submits that there is no legally admissible evidence showing the prosecutrix to be below 18 years and as per the ossification test, she could be 17-18 years. Lastly it has been submitted that the charge sheet has already been filed, the trial has also started and in her Court statement, the prosecutrix has admitted the fact that she was having affair with the applicant.

4. On the other hand, counsel for the State opposes the bail application.

5. Considering the totality of the facts and circumstances of the case, in particular the statement of the prosecutrix, this Court is of the opinion that it is a fit case to release the applicant on bail.

6. Accordingly, the application for grant of bail is allowed and the accused/applicant is directed to be released on bail on his furnishing a personal bond of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the concerned Magistrate for his appearance before it as and when directed.

**Sd/-  
(Pritinker Diwaker)  
Vacation Judge**