

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8096 of 2017

- Virendra Banjare Age- 23 years, S/o- Ram Kumar Banjare R/o Awas Para, Uslapur Cauki-sakri, Police Station Chakarbhata, District-Bilaspur (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station – Takhatpur, District-Bilaspur (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Rajkumar Gupta, Advocate.
For Respondent/State	: Mr. Vinod Kumar Tekam, Panel Lawyer

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

12/03/2018

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 have been arrested in connection with Crime No. 248/2017 registered at Police Station- Takhatpur, District & Revenue Distt.- Bilaspur (Chhattisgarh) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code & Section 4 of POCSO Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case as no case is made out against this applicant. He further submits that applicant is in jail since 11.07.2017 and the statement of prosecutrix has been recorded in this case twice under Section 161 of Cr.P.C. and once under Section 164 of Cr.P.C.. In

all the three statements recorded, she has made improved statements gradually, which shows that the case is totally concocted. He is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. The statement recorded under section 164 of Cr.P.C. by the prosecutrix, alleged that she was compelled to surrender herself for sexual intercourse by the applicant at the point of knife, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The case of the prosecution is that on 01.07.2017, prosecutrix went missing. A named FIR was lodged by the father of the prosecutrix on 02.07.2017, thereafter the prosecutrix was recovered from the custody of the applicant on 11.07.2017 and on the basis of the statement given by prosecutrix, the case was registered against this applicant. The charge-sheet has been filed after completion of the investigation.
6. Considered the contents of the case diary and perused the first statement under section 161 of Cr.P.C. dated 11.07.2017, second statement dated 12.07.2017 and the third statement under Section 164 of Cr.P.C. recorded later on, shows gradual improvement in the statement made by the prosecutrix, *whereas* she has stated in her first statement that she and the applicant had love affair and they often met with each other, for this reason, I am of this opinion that applicant should be benefited with grant of regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Amita