

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3981 of 2018

Karan Banjare S/o Shantanu Banjare, aged about 22 years, R/o Urla, Thana-
Urla, Distt.- Raipur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Thana- Bemetara, Distt. Bemetara (C.G.).

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

10/07/2018

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 177/2017 registered at Police Station- Bemetara, Distt. Bemetara (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 5(1) & 6 of the POCSO Act.
2. As per prosecution story on 12/11/2017, father of prosecutrix namely – Dularwa had lodged a missing report of her daughter (prosecutrix, aged about 14 years) alleging that her daughter was kidnapped by the present applicant and on the pretext of marriage, he committed sexual intercourse with her. On the basis of the report, offence was registered and the applicant was arrested on 12/04/2018.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present

case. He further submits that there was love relation between the applicant and the prosecutrix due to that the prosecutrix herself had left the house. He further submits that in the statement recorded under Section 164 of Cr.P.C., the prosecutrix has not supported the case of the prosecution. The applicant is in custody since 04/04/2018, charge-sheet has been filed and the trial will likely to take some time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that the prosecutrix in her statement recorded under Section 164 of Cr.P.C has not supported the case of the prosecution, the applicant is in custody since 04/04/2018 and charge-sheet has already been filed, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like sum to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel