

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4144 of 2018

- Rajendra Prasad Banjare @ Bablu S/o Ganga Prasad Banjare
Aged About 21 Years R/o Pendry, Indira Awas, P.S. Masturi,
District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Torwa, District Bilaspur Chhattisgarh., District : Bilaspur,
Chhattisgarh

---- Respondent

For Applicant : Shri R.K. Dubey, Advocate
For Respondent/State : Shri Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

09.07.2018

1. Heard the matter finally.
2. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.23/2018, registered at Police Station, Torwa, District Bilaspur (CG) for the offence punishable under Sections 376, 342, 506 read with Section 34 of the IPC and Section 3 (A) (D), 4 & 5 (N) of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution is that one Vishal Dhiraj has committed forcible sexual intercourse with the prosecutrix and the present applicant had cooperated him in doing the crime.
4. Learned counsel for the applicant submits that earlier vide order dated 27.4.2018, the bail application was withdrawn with

liberty to repeat the same after examination of the prosecutrix and her mother. He submits that the prosecutrix and her mother have been examined before the trial Court and as per their evidence, the main culprit is co-accused Vishal Dhiraj who committed the crime. He submits that the applicant has not committed any crime and there is no direct evidence against him, therefore, he may be enlarged on bail.

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

6. Perused the entire material available on record.

7. Considering the facts and circumstances of the case, particularly considering that there is no direct evidence against the applicant and he is in jail since 17.1.2018 and the main culprit is co-accused Vishal Dhiraj, I am inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.

Sd/

(Ram Prasanna Sharma)
JUDGE

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