

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4373 of 2018**

Surendra @ Daulat Ram Banjare S/o Chanduram Banjare Aged  
 About 25 Years R/o- Village- Aatara, Thana And Tahsil- Amagarh  
 Chauki, District- Rajanandgaon, District : Rajnandgaon, Chhattisgarh  
**--- Petitioner**

**Versus**

State of Chhattisgarh through- Station House Officer, Thana-  
 Amagarh Chauki, District- Rajnandgaon, Chhattisgarh.  
**--- Respondent**

---

|                    |   |                                  |
|--------------------|---|----------------------------------|
| For the applicant  | : | Mr. Samir Singh, Advocate.       |
| For the Respondent | : | Mr. S.R.J. Jaiswal, Panel Lawyer |

---

**Hon'ble Shri Justice Goutam Bhaduri****Order on Board****03.07.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 42/2017 registered at Police Station Amagarh Chouki, Distt. Rajnandgaon (C.G) for the offences punishable under Sections 363, 366, 376, 376(n) of IPC and u/s 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the father of prosecutrix on 01.03.2017 that his daughter was found missing since 28.02.2017. Subsequently she was recovered and according to the prosecutrix she was enticed away from the lawful guardianship of the parents and thereafter, the applicant has committed forcible sexual intercourse.
3. Learned counsel for the applicant submits that even in the

affidavit sworn by the prosecutrix, she has stated that she was in love relations with the applicant and has performed the marriage and she of her own went along-with the applicant and out of the wedlock, a child was also born, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
  5. Perused the case diary. In the statement of the prosecutrix u/s 161 of Cr.P.C., and the affidavit sworn by her, a copy of which is placed before this Court wherein she has stated that she has performed marriage with the applicant and out of the wedlock, a child was also born. Considering the same as also the fact that the charge sheet has been filed and no further investigation is necessary and the applicant is in jail since 02.06.2018, I am inclined to allow this bail application.
  6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-**  
**GOUTAM BHADURI**  
**JUDGE**