

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4984 of 2018

- Chhanulal Bandhey S/o Premlal Bandhey Aged About 22 Years R/o Ghotiya Police Station Palari, District Baloda Bazar Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Palari, District Baloda Bazar Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	: Mr. M.K. Bhaduri, Advocate
For State/respondent	: Mrs. Smita Ghai, PL for State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.291/2018, registered at Police-Station-Palari, District-Baloda Bazar(C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 4 & 8 of Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since

19.06.2018. No case is made out against him. The fact is this, that this applicant and prosecutrix had love affair and she willingly accompanied this applicant. Hence, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of prosecutrix was about 16 years at the time of incident, theory of consent of her is totally immaterial, hence, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. It is alleged that this applicant abducted the minor prosecutrix and then subjected her to offence of rape. Later on, the prosecutrix has been recovered from the custody of this applicant and the statement under Section 164 of CrPC the prosecutrix has stated that she had willingly accompanied and stayed with the applicant. Hence, this case.
6. After considered on all the material present in the case diary, I am of this view that this is a fit case where the applicant should be released on bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge