

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7357 of 2018

- Ashok Banjare S/o Shri Mayaram Banjare Aged About 23 Years (wrongly mentioned in order sheet as 27 years) R/o Gram Amne Police Station Kota District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

 For Applicant : Shri Rohit Sharma, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

24.10.2018

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.252/2017 (Special Sessions Trial No.76/2017), registered at Police Station Takhatput, District Bilaspur(CG) for the offence punishable under Sections 363, 366, 366-A, 376 of the IPC and Section 4 and 5 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, the applicant kidnapped the minor prosecutrix and committed rape on her on 20.5.2017.
4. Learned counsel for the applicant submits that the prosecutrix has been examined and as per her version, she got

married with the applicant, therefore, the applicant 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 the statement of the prosecutrix that she performed marriage with the applicant and both have stayed in a Hotel and some other places with consent, I am of the opinion that present is a fit case 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