

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 3041 of 2019

- Mahesh Kumar Banjare S/o Shri Devadas Banjare, Aged About 25 Years R/o Village Charoda, Police Station Gidhpuri, District Balodabazaar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Kasdol District Balodabazaar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Anchal Kumar Matre, Advocate.
For Non-applicant : Mr. SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.05.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 237/2019 registered at Police Station –Kasdol District - Balodabazaar – Bhatapara (C.G.) for the offence punishable under Sections 363, 366A of the Indian Penal Code and Section 18 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 31.03.2019 prosecutrix was more than 16 years of age. She is resident of village Pisid. There was love affair between her and applicant. On 31.03.2019 she left parental house and called the applicant at Balodabazaar. They executed an affidavit to this effect that they are husband and wife. He took her in his house.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the true copy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. she and applicant had already performed marriage at Khapripuridham. She does not want any action against him. She had accompanied the applicant voluntarily.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE