

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3689 of 2019**

Kamleshwar Banjare @ Dhoni, S/o. Fatte Lal Banjare, Aged About 21 Years,
R/o. Village- Pacheda, Bhatapara, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station-
Vidhan Sabha, Civil And Revenue District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.
For complainant	: Mr. S.P. Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.151/2017, registered at Police Station – Vidhan Sabha, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 21.02.2019. The prosecutrix in this case is a major girl and further she has been examined before the trial Court, where she has not supported the prosecution case. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. The prosecutrix is present in person along with Mr. S.P. Sahu Advocate. She has made statement that she has no objection, if the, bail is granted to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then he committed the offence of rape with her on number of occasions.
7. Considered on the submissions made and the contents of the case diary. After considering on the statement made by the prosecutrix before this Court and also perusing the certified copy of the deposition of the prosecutrix before the trial Court, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge