

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4998 of 2019

- Ravindra Banjara S/o Shri Vindo Banjara, Aged About 21 Years, By Caste- Satnami, R/o Village- Rohara Khurd, Thana and Tahsil- Mungeli, Civil and Revenue District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- City Kotwali, Mungeli, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

----Non-applicant

For Applicant – Shri G.L. Uike, Advocate.

For Non-applicant/State – Shri Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-08-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 01-06-2019 in connection with Crime No.132/2018 registered at Police Station – City Kotwali Mungeli, District Mungeli, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 04, 06 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 01-06-2019. No case is made out against the applicant. The prosecutrix has very clearly made statement under Section 164 of the Cr.P.C. that she is of age above 18 years and she had willingly accompanied the applicant and has married him and living in the house of the applicant himself leading matrimonial life and she does not want to prosecute the applicant. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application

submitting that age of the prosecutrix is only 16 years and 10 months according to the entry in the school register, therefore, any willingness or consent on part of the prosecutrix is immaterial. Therefore, it is prayed that the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, the prosecutrix went missing on 03-03-2018. The FIR was lodged raising doubt against this applicant. The prosecutrix was then recovered 01-06-2019 from the custody of this applicant and thereafter on the basis of the statement given by her offences have been registered.

6. On perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C., it is found that the submission made by learned counsel for the applicant finds support, therefore, on this basis I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge