

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5224 of 2019**

Deepak Banjare, S/o. Premdas Banjare, Aged About 25 Years, R/o. Village Dhuma, Imlipara Tehsil - Takhatpur Chowki Junapara District - Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : S.H.O. Takhatpur District - Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Krishna Tandon, Advocate
For Respondent/State	: Mr. Jitendra Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/09/2019**

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.258/2018, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366 & 376 of the Indian Penal Code and Section 4 & 6 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. The applicant is in jail since 25.06.2019. No case is made out against the applicant according to the material present on record. The prosecutrix is a major girl and she had been a consenting party throughout while she was traveling and stayed in different places with the applicant. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the date and time of incident, the prosecutrix was minor, therefore, her consent is immaterial, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant allured the minor prosecutrix with promise to marry her and then he took her to Delhi, Bilaspur and while staying, he exploited her sexually. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. On perusal of the statement of the prosecutrix recorded under Section 161 and 164 of Cr.P.C. and the offence for which the proof is only school register, which may be contested, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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