

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3994 of 2020

- Prakash Banchhor S/o Tejram Banchhor Aged About 19 Years R/o Village Madhopali, Thana Saraipali, District Mahasamund, Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund, Chhattisgarh

---- **Respondent**

For Applicant	: Mr. Vikash Pradhan, Advocate.
For State/respondent	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.351/2019 registered at Police -Station-Saraipali, District-Mahasamund(C.G.) for the offence punishable under Sections 366(A), 376(3) of IPC and Section 6 of POCSO Act, 2012.
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 12.2.2020. No case is made out against the applicant. The applicant and the prosecutrix both had love affair and they have also performed marriage. The prosecutrix is not a minor. The statement that

has been given by prosecutrix under Section 164 CrPC clearly is in favor of the applicant, therefore, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to the statement given by prosecutrix under Section 161 CrPC, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the applicant abducted the minor prosecutrix and exploited her sexually which amounts to commission of offence of rape. As a result of which the prosecutrix has become pregnant, thereafter the FIR has been lodged.
6. After considering the facts and circumstances of the case and also the submissions made on behalf of the applicant, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge