

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3860 of 2020**

- Suraj @ Paklu Banjare, S/o Krishna Banjare, Aged About 21 Years, R/o Temri, Police Station- Nandghat, District-Bemetara, Chhattisgarh (As Per Challan)

---- Applicant**Versus**

- State of Chhattisgarh Through-Outpost Maro, Police Station- Nandghat, District-Bemetara, Chhattisgarh

---- Respondent

For Applicant : Mr. P.K. Patel, Advocate.

For State/respondent : Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/08/2020**

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.22/2020 registered at Police -Station-Nandghat, Outpost-Maros, District-Bemetara(C.G.) for the offence punishable under Section 363, 366-A, 376 of IPC and Section 4, 6 & 12 of POCSO 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 12.2.2020. No case is made out against the applicant. The applicant intends to dispute the minority of the prosecutrix, which is the prosecution reliance, in the trial. The prosecutrix has very clearly

admitted in her statement under Section 164 CrPC, regarding the affair with the applicant and that the applicant had proposed to marry her which was denied by the mother of the prosecutrix because of which the prosecutrix by her own free will had accompanied the applicant and resided with him in places, therefore, no case is made out against this applicant, hence, 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 the age of prosecutrix had been only 14 years and 4 months at the time of incident, therefore, any consent or willingness on her part is immaterial, hence, application be rejected.
4. The complainant Nirmala Bai and the prosecutrix both are present before this virtual Court through the "Help Desk" of the High Court of Chhattisgarh. They have made statement that they have no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody in Puna where he performed a sham marriage and established physical relation continuously on numerous occasions.
7. Considered on the submissions and also the facts of the case. The statement that has been given by the prosecutrix under Section 164 of CrPC admits about the affair with the applicant and, further, as it is stated before this Court that the complainant and prosecutrix both

have no objection in grant of bail to the applicant, hence, I feel inclined to allow the bail application of this applicant.

8. 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 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

Nisha