

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5843 of 2020**

- Bhoj Banjare, S/o Manohar Lal Banjare, Aged About 19 Years Residing at Village Belargaon Chalipara, Police Station Sihawa, District-Dhamtari Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Police Station Kondagaon, District-Kondagaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/11/2020**

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.100/2020 registered at Police-Station-Kondagaon, District-Kondagaon (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 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 case of prosecution against this applicant is falsified. The statement given by prosecutrix under Section 164 CrPC does not support the prosecution case. The applicant is in jail since 7.6.2020, hence, the applicant 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 at the date and time of incident was only 15 years and 3 months and, further, she has given statement against the applicant under Section 161 CrPC, therefore, application be rejected.
4. The notice was issued to the complainant side, on which, the mother of the prosecutrix made her appearance on 5.10.2020 and made statement of 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 prosecution case, it is alleged that this applicant and the prosecutrix went missing on 26.3.2020. Later on, she was recovered when both of them appeared in the police-station. According to the statement given by the prosecutrix under Section 161 CrPC, the offences have been registered against the applicant.
7. Considered on the submissions and also the statement that the prosecutrix has given under Section 164 CrPC. Further, there is a statement of no objection from the complainant side, I am of this view that this is a fit case for grant of bail to the 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 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