

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 6202 of 2020**

Anurag Banjare, S/o. Shri Baliram Banjare, aged about 21 years, R/o. Village- Birgahani, Police Station- Balauda, Civil and Revenue District- Janjgir-Champa, Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh, Through- The Station House Officer, Police Chauki- Pantora, Police Station- Balauda, Civil and Revenue District- Janjgir-Champa, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Parasmani Shrivastava, Advocate |
| For Respondent/State | : Mr. Adil Minhaj, G.A.               |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****01/10/2020**

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.174/2020, registered at Police Station – Balauda, Chowki- Pantora, District – Janjgir-Champa (C.G.) for the offence punishable under Section 363, 376, 506 of the Indian Penal Code and Section 4 & 6 of the 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. No case is made out against the applicant. The prosecutrix was not minor on the date of

incident. The age proof, on which the prosecution relies, is not conclusive proof being an entry in the school register and the applicant intends to challenge the same in the trial. The prosecutrix has made statement in favour of the applicant under Section 164 of Cr.P.C., before the Judicial Magistrate First Class, therefore, it had been a case of consent. Hence, it is prayed that the applicant may be released on 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 the statement of the prosecutrix under Section 161 of Cr.P.C. is clear and categorical, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant on the pretext that he will marry the prosecutrix, abducted her and then by keeping her in his custody exploited her sexually on number of occasions as a result of which, the prosecutrix became pregnant and subsequent to which, FIR has been lodged.
6. Considered on the submissions and facts of the case. Looking to the statement of the prosecutrix under Section 164 of Cr.P.C., which has some improvement and variations compared to her earlier statement under Section 161 of Cr.P.C., 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

Balram