

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 411 of 2021**

1. Surendra Kumar Banjare S/o Santram Banjare Aged About 40 Years,
2. Smt. Sandhya Banjare W/o Surendra Kumar Banjare Aged About 31 Years,

Both are R/o Village Kaitha, Post Parsadih, P.S. Bilaigarh, District Baloda Bazar-Bhatapara Chhattisgarh.

**---- Applicants**

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.

**---- Respondent**

**MCRCA No. 449 of 2021**

1. Sumit Kumar Kanwar S/o Kartik Ram Kanwar Aged About 24 Years,
2. Smt. Mohan Bai W/o Kartik Ram Kanwar Aged About 51 Years,

Both are R/o Village Bankimogra, Post And P.S. Bankimogra, District Korba Chhattisgarh.

**---- Applicants**

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, District Baloda Bazar-Bhatapara Chhattisgarh.

**---- Respondent**

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For applicants – Shri Shashank Thakur, Advocate.  
For Respondent/State –Shri Ashish Tiwari, G.A.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**27/07/2021**

1. Both these anticipatory bail applications are decided by this common order as they are arising out of the same crime number.
2. These applications under Section 438 of Cr.P.C. have been filed by the applicants apprehending their arrest in connection with Crime No.27/2021 registered at Police Station Bilaigarh, District Baloda Bazar-Bhatapara (C.G.) for offence punishable under Sections 294, 506, 506 (ख), 427/34 of IPC and Section 11 of Protection of Children from Sexual Offences Act, 2012.

3. As per the prosecution case, the prosecutrix while was taking bath it was recorded on mobile by Sumit Kumar and thereafter he wanted sexual favour from her which was objected, when she reported it to the mother and she came to the house, Surendra and Sandhya Banjare objected to it and thereafter they went to police station and reported the matter, while coming back they were assaulted by Surendra and Sandhya Banjare. Subsequently, the mother of Sumit Kumar i.e. Mohan Bai extended the threat that if she discloses the fact she will make the video viral.

4. Learned counsel for the applicants submits that the prosecutrix is the real niece of Surendra and Mohan Bai. He would submit that Surendra and Mohan Bai are real brother and sister and Sandhya is wife of Surendra and Sumit Kumar is son of Mohan Bai. He submits that because of the fact that Sumit Kumar and Mohan Bai resides at Korba when they came to the village they saw the prosecutrix was talking to a boy and having objected she became furious and thereafter the report has been made and there is no reason why the applicant Sumit Kumar should indulge in such activity. Learned counsel submits that the applicants may be granted benefit of anticipatory bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Considered the statement of the prosecutrix. Having considered the statement, nature of allegation against Sumit Kumar Kanwar and Smt. Mohan Bai, I am not inclined to extend benefit of anticipatory bail to applicants Sumit Kumar Kanwar and Smt. Mohan Bai in MCRCA No. 449 of 2021.

7. Accordingly, MCRCA No. 449 of 2021 in respect of applicants Sumit Kumar Kanwar and Smt. Mohan Bai is dismissed.

8. In respect of Surendra Kumar Banjare and Smt. Sandhya Banjare taking into nature of allegation and prima facie involvement of them, I am inclined to extend benefit of anticipatory bail to Surendra Kumar Banjare and

Smt. Sandhya Banjare applicants in MCRCA No. 411 of 2021.

9. Accordingly, MCRCA No. 411 of 2021 anticipatory bail application in respect of Surendra Kumar Banjare and Smt. Sandhya Banjare is allowed and it is directed that in the event of arrest of Surendra Kumar Banjare and Smt. Sandhya Banjare in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants Surendra Kumar Banjare and Smt. Sandhya Banjare shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE