

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3696 of 2021

- Sondas Banjare S/o Santosh Banjare Aged About 20 Years R/o Village Mehna, Police Station Nandghat, District Bemetara Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Station House Officer, Police Chouki Chandanu, Police Station Nandghat, District Bemetara Chhattisgarh

---- Non-applicant

For Applicant : Mr. Raj Kumar Pali, Advocate.

For Non-applicant/State : Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 21.02.2021, in connection with Crime No.78/2021 registered at Police Station— Police Chouki, Chandanu, Police Station- Nandghat, District- Bemetara, C.G. for offence punishable under Section 363, 366, 376(3) of I.P.C. and Section 5 (n) and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of Cr.P.C. shows about her willingness and consent in going to places with the applicant and also having physical relation. The applicant is in jail since 21.02.2021. The trial against the applicant is likely to take some time, hence, it is prayed

that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submissions made by the learned counsel for the applicant and submits that the age of the prosecutrix was only 15 years and two months, therefore, her consent or willingness is immaterial. Hence, it is prayed that this application may be rejected.
4. The prosecutrix is virtually present through the Help Desk of this High Court and she has no objection in grant of bail to the applicant. There is a separate application for no objection in grant of bail has been filed by the learned counsel on behalf of complainant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant enticed the minor prosecutrix and abducted her then kept her in his custody and also then exploited her sexually. Hence, this case.
7. Considered on the submissions, looking into the application for no objection of the complainant and also other circumstances, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge