

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4585 of 2021**

Hemkumar Banjare S/o Late Lateluram Banjare Aged About 21 Years R/o Village-Chadiya, Police Station- Kharora, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station-Arang, District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shivendu Pandya, Advocate.
For the Respondent/State	:	Shri Shakti Singh, P.L.
For the Complainant	:	Shri Govind Dewangan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.08.2021**

Heard.

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.133 of 2020, registered at Police Station – Arang, District – Raipur, Chhattisgarh for the offence punishable under Section 363, 366 and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.6.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly shows that she was willing and consenting party. The another development is that the prosecutrix, who has married the applicant, is now residing with her in-laws.

The prosecutrix had appeared before the Sessions Court praying for grant of bail to the applicant, which was not considered. Hence, it is prayed that the applicant be enlarged 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 prosecutrix was minor on the date of incident. Further, her statement under Section 161 of the Cr.P.C. is clearly against the applicant. Hence, no case is made out for grant of bail to the applicant.

4. Learned counsel for the complainant submits that the complainant has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and then exploited her sexually knowing well that she is not competent to such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. There is mention of no objection statement of the prosecutrix in the rejection order and also considering the fact that the complainant side has no objection in grant of bail to the applicant, therefore, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge