

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.Cr.C. No. 6149 of 2021

Rajkumar @ Raju Bandhe **Versus** State of Chhattisgarh

16/09/2021	None for the applicant. Smt. Smriti Shrivastava, P.L. for the State. Complainant – Kumar Mandle is present physically before this Court on notice. He made a statement that he has objection in grant of bail to the applicant. Put up this case later-on. Sd/- (Rajendra Chandra Singh Samant) Judge

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HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6149 of 2021

- Rajkumar @ Raju Bandhe S/o Amar Singh Bandhe Aged About 26 Years R/o Village Mohra, P.S. Suhela, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Suhela, District Balodabazaar-Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Anchal Kumar Matre, Advocate.

For Non-applicant/State : Mrs. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2021

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 05.07.2021, in connection with Crime No.71/2021, registered at Police Station- Suhela District- Balodabazar-Bhatapara, C.G. for offence punishable under Section 363, 366(A), 376 of I.P.C. and Sections 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 05.07.2021. The prosecutrix and the applicant both eloped then they were living together as husband and wife for about 02 months. The relation of the applicant with the prosecutrix was consensual, which is reflected from the statement of prosecutrix given under Section 164 of

Cr.P.C. Therefore, there is no case present against this applicant, hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that prosecutrix is minor of age below 18 years. Therefore, her willingness and consent is immaterial. Therefore, the application may be rejected.
4. Complainant- Kumar Madle was present before this Court and he had objected in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, it is alleged that this applicant abducted the minor prosecutrix from her lawful guardian and then kept her in his custody for some time and during this period, he exploited her sexually on numerous occasions, knowing well that prosecutrix is minor and thus incapable of giving a valid consent. Hence, this case.
7. Considered on the submissions. Taking into consideration the statement of prosecutrix under Section 164 of Cr.P.C. and the other circumstances present, 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