

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6380 of 2021

- Vijay Banaj S/o Chhail Kumar Banaj Aged About 21 Years R/o Gram Koshir, Taluka, Sarangarh, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Koshir, District Raigarh Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Rajendra Kumar Patel, Advocate.
For Non-applicant/State	:	Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-09-2021

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 20.07.2021, in connection with Crime No.70/2021, registered at Police Station- Kosir, District- Raigarh, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 6 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 20.07.2021. The prosecutrix was willing and consenting party throughout, which is reflected from her statement under Section 164 of Cr.P.C. in which she also stated about her love affair with the applicant. Hence, there is no case present against this applicant. Therefore, this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix had been of age below 16 years on the

date of incident, therefore, her consent and willingness is immaterial.

Hence, this application may be rejected.

4. The prosecutrix is present before this Court on notice and she has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and then on pretext of marrying her, he exploited her sexually and they have also performed a marriage in the temple. After lodging of missing report by the father of the prosecutrix, the case has been registered. Hence, this case.
7. Considered on the submissions. Looking to the facts and circumstances present in this case and also that the prosecutrix herself is not making any objection in grant of bail to the applicant, 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