

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6486 of 2021**

Ramesh Banjare, S/o. Nand Payari Banjare, aged about 36 years, R/o. Gram Sendri, Police Station Jaijaipur, District Janjgir Champa Chhattisgarh Presently R/o Police Station Chilhati, District Rajnandgaon Chhattisgarh (Police Constable No.1617)

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Chilhati, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. Punit Ruparel, Advocate

For Respondent/State : Mr. Amit Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**29/09/2021**

1. This is the second 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.05/2021, registered at Police Station – Chilhati, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 (क) (i), 376 (3) of the Indian Penal Code and Section 5 (क) (i) and 6 of Protection of Children from Sexual Offences Act, 2012. The first bail application M.Cr.C. No.3460 of 2021 was dismissed as withdrawn vide order dated 20.07.2021 with liberty to revive the same after examination of the prosecutrix.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 21.01.2021. The prosecutrix and her father both have been examined and they have not supported the prosecution case. Therefore, there is no case present against this applicant. Hence, it is prayed that the applicant may be released 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 and there are other witnesses yet to be examined, therefore, the application be rejected.
4. Prosecutrix is virtually present before this Court on notice through the help desk of D.L.S.A. Rajnandgaon. She has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody for some time and exploited her sexually knowing well that she is minor and not capable for giving consent.
7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix and her father, which shows that both of them are hostile witness as they are not supported the prosecution case, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram