

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9090 of 2020**

Chandrashekhar Banjare, S/o. Niranjan Das Banjare, aged about 20 years,
R/o. Village Runwatala, Post Dhangaon, Tahsil Dongergarh, District
Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station
Pulgaon, District -Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pramod Ramteke, Advocate

For Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**02/02/2021**

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.416/2020, registered at Police Station –Pulgaon, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376, 376 (2) (ब) of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix has given statement under Section 164 of Cr.P.C. before the Magistrate

that she and the applicant both were having an affair and on the date of incident, it was the prosecutrix, who herself came to the house of the applicant and stayed there for about 3 days. The mother of the prosecutrix has lodged false FIR against the applicant. The applicant is in jail since 06.11.2020. Hence, it is prayed that the applicant may 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 age of the prosecutrix was below 16 years and she has admitted about her physical relation with the applicant, which amounts to commission of offence of rape, therefore, no case is made out for grant of bail.
4. Notice issued to the complainant has been returned served but there is no appearance and no representation.
5. I have heard the learned 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 on the pretext of marrying her and then by keeping her in his custody, he exploited her sexually on numerous occasions.
7. Considered on the submissions and the facts of the case. Looking to the statement of the prosecutrix under Section 164 of Cr.P.C. and as the case is now pending for trial after filing of charge-sheet, 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