

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9201 of 2020

Akash Banjare, S/o Gore Lal, Aged About 21 Years, R/o Village Jharap,
Police Station Hasaud, District- Janjgir-Champa (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through- The Station House Officer, Police
Station Hasaud, District- Janjgir-Champa (C.G.)

--- Respondent

For Applicant : Mr. Yogesh Kumar Chandra, Advocate.

For State/ Respondent : Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10/03/2021

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. 154/2020, registered at Police Station- Hasaud, District- Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of IPC 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 28.10.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and further, she had been consenting party. The statement of the prosecutrix under Section 164 of the Cr.P.C. is in favour of the

applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear allegation in the statement of the other witnesses against this applicant regarding commission of offences of abduction and rape, therefore, he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Complainant- Laxman and the prosecutrix, both are present before this Court, who have stated that they have no objection in grant of bail to this applicant.
5. Heard counsel for both the parties and perused the records.
6. The case of the prosecution is this, that this applicant abducted the minor prosecutrix on pretext of marrying her and then, by keeping her in his custody, he has exploited her sexually knowing well that she was not capable to give valid consent for such relationship, regarding which, FIR has been lodged against this applicant.
7. Considered on the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and also her statement before this Court today, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun