

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6705 of 2020**

- Prakash Banjare, S/o Hemant Banjare, Aged About 19 Years, Resident of Village Gullu, Police Station and Tahsil Arang, District-Raipur, Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Station House Office , Police Station Mahasamund , District-Mahasamund, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Raghvendra Pradhan, Advocate.   |
| For State/respondent | : Mr. Vimlesh Bajpai, Govt. Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**29/10/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.321/2020 registered at Police-Station-Mahasamund, District-Mahasamund(C.G.) for the offence punishable under Sections 363, 366, 368, 376/34 of IPC and Section 4& 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix was not a minor girl. The applicant intends to challenge the ground of minority of prosecutrix in trial. The statement given by prosecutrix under Section 164 of CrPC clearly shows that she had willingly

accompanied and resided with the accused. The applicant is in jail since 17.7.2020, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was a minor girl of age only 16 years and 2 months, therefore, any consent or willingness on her part is immaterial. The commission of offence is clearly made out, hence, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, It is alleged that this applicant abducted the minor prosecutrix and then kept in his custody in a place in Raipur where he exploited her sexually on number of occasions until she was recovered by the police after lodging of FIR by her father.
6. Considered on the submissions and the facts of the case and also the statement given by the prosecutrix under Section 164 of CrPC, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge