

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5810 of 2015

Vicky @ Chhotu Sonkar, S/o. Balaram Sonkar, Aged About 20 Years, R/o. Bhatagaon, Near Market, P.S. Purani Basti, Raipur, District - Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Polce Station - Tikrapara, Raipur, District - Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.300/2015 registered at Police Station- Tikrapara, Raipur, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 3, 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that on 08.06.2015, the complainant lodged a missing report of his minor daughter and the case was registered under Section 363 of IPC. Thereafter, during the course of investigation, the prosecutrix was recovered and subsequently after investigation, the case under Section 366 and 376 of IPC was registered against the applicant.
3. Learned counsel for the applicant submits that the prosecutrix and her father have been examined as PW-1 & PW-2 and they have

not supported the case of the prosecution. The certified copy of the statement has been placed on record. It is further submitted that in absence of any support to the prosecution, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the statement of the prosecutrix PW-1 and her father PW-2, it appears *prima facie* that the prosecutrix and her father have not supported the case of the prosecution, therefore, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge