

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1996 of 2016

1. Narendra Sonwani, S/o. Manoj Sonwani, aged 23 years, R/o. Village-
Mardakala, Police Station – Mainpur, District- Gariyaband (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Mainpur, District –
Gariyaband (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Shashi Kumar Kushwaha, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/06/2016

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.103/2015, registered at Police Station – Mainpur, District – Gariyaband (C.G.) for the offence punishable under Section 376 (2) (n) and 306 of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 03.05.2015 one Tikeshwari committed suicide by hanging and on inquiry it was revealed that the girl/victim committed suicide as she became pregnant and she had love relation with the applicant.
3. Learned counsel for the applicant submits that no evidence is existing against the applicant and 13 witnesses have been examined and they have not deposed anything against the applicant. The applicant has been falsely implicated in this case and he is in jail since 13.08.2015,

therefore, the counsel prays that, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Considering the statement of the prosecution witnesses, it is for the trial Court to appreciate the evidence after evaluating the entire facts and the records and one statement can not be picked-up at this stage either to give finding in favour of the applicant or in favour of the prosecution. After going through the statement, this is not a case where the benefit of Section 439 of Cr.P.C. can be extended
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge