

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7964 of 2017**

Chinki @ Ramnaresh Soni S/o Shri Fulchand Soni Aged About 24 Years R/o Dhangardeepa Near Stage, Raigarh At Present R/o Mangal Bazaar, Jharsugda P. S. Jharsugda District Sundargarh Odisha, Orissa.

---- Applicant**Versus**

State Of Chhattisgarh Through S. H. O. Of The Police Station Kotwali, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Abhishek Saraf, Advocate.
For the Respondent/State	:	Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.02.2018**

Heard.

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.4 of 2016, registered at Police Station – Kotwali, District – Raigarh, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 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 29.4.2017 and he has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix has been examined before the

trial Court; she turned hostile and has not supported the case of the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The case is that this applicant allured the minor prosecutrix with a promise to marry her and thereby he abducted her on 31.12.2015 and while staying in Jharkhand, the prosecutrix was raped on several occasions. The prosecutrix was recovered on 30.9.2016 and thereafter, on the basis of the statement given by the prosecutrix, the case has been registered against the applicant.

6. Considered the contents of the case-diary and also perused the certified copy of the statement of the prosecutrix in this case in which she turned hostile and not supported the case of the prosecution in any respect. Hence, for these reasons, I am of the considered view that in this case the applicant deserves to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi