

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1138 of 2018**

Jay Prakash Soni S/o Sitaram Soni Aged About 48 Years R/o Rajendra Prasad Chowk, Murum Khadan, Supela, Ward No. 7, P.S.- Supela, District-Durg (C.G.), District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station-Supela, District- Durg (C.G.), District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Wasim Miyan, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.03.2018**

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.1124 of 2017, registered at Police Station – Supela, District – Durg, Chhattisgarh for the offence punishable under Sections 313 and 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 7.12.2017 and 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 has turned hostile and not supported the case of the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State 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 of the prosecution is that the applicant is the uncle of the prosecutrix who used to outrage the modesty of the prosecutrix since she was 15 years of age and when she attained the age of 17 years the applicant started physical relation with her because of which, the prosecutrix became pregnant, then the applicant by force got her pregnancy aborted. Hence, this case.
6. Considered the entire material present in the case-diary and perused the certified copy of the statement of the prosecutrix before the concerned trial Court, wherein she has been declared hostile. Hence, looking to the development and change in the circumstances, I am of the considered opinion that the applicant deserves to be released 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