

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7338 of 2017

- Chandrashekhar Soni S/o Kumar Ram Soni, Aged About 25 Years, R/o Majrakta, Post Office Gariyaband, Police Station Kotwali, Gariyaband, District Gariyaband Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajim, District Gariyaband Chhattisgarh

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

12-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 04-03-2017 in connection with Crime No.50/2017 registered at P.S. Rajim, District Gariyaband, C.G. for the offence under Section 363, 366 and 376 of the IPC and Section 3(2) (V) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. Father of the prosecutrix has lodged false FIR against the applicant. The prosecutrix has given statement under Section 164 of the Cr.P.C. totally denying the allegations made in the FIR. The prosecutrix has also been examined before the trial Court and she has turned hostile and not supported the case of prosecution. The applicant is in jail since 04-03-2017. No offence is made out against

him. It is prayed that he may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made.

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

5. The prosecutrix is a member of Scheduled Tribes. After giving allurements by promise to marry the prosecutrix the applicant abducted her from legal guardianship and kept her in the place of her aunt. After lodging of FIR the case has been registered against the applicant.

6. Considered on the submissions made and contents of the case diary, the statement of the prosecutrix under Section 164 of the Cr.P.C., and also the referred certified copy of deposition of the prosecutrix before the trial Court.

7. Considering the development of things that have taken place and the statement of the prosecutrix during investigation as well in the trial Court, I am of this view that this is a fit case where the applicant should be granted regular bail.

8. Consequently, the application (MCRC No.7338/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge