

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6383 of 2018**

- Manish Sonkar S/o Shri Raju Sonkar Aged About 19 Years R/o Camp 1, Near Gandhi Nagar Tank, Bhilai, Police Station Chavani, District Durg Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Chavani, District Durg Chhattisgarh.

**---- Non-applicant**

For Applicant : Mr. Ishan Verma, Advocate.

For Non-applicant : Mr. Ramakant Pandey, Panel Lawyer

**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board**

**10.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 105/2018 registered at Police Station – Chavani, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that date of birth of the prosecutrix is 07.02.2003. She is resident of village – Mahatma Gandhi Nagar, Camp 2 Ward No. 22, Chhavni. On 11.02.2018 she had gone to

Dongargarh along with applicant. They stayed in a lodge at Dongargarh. Applicant had committed sexual intercourse with her.

4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the report of the Radiologist the age of the prosecutrix is between 17 to 18 years.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)  
**JUDGE**