

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7496 of 2018

- Sunil Soni, S/o Shri Keshav Prasad Soni, aged about 22 years, R/o Village- Patrapali East, Police Station – Chakradhar Nagar, Tahsil and District- Raigarh, (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Chakradhar Nagar, Tahsil & District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri V.K. Pandey, Advocate.

For Respondent/State : Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

13/11/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 279/2018, registered at Police Station – Chakradhar Nagar, Tahsil & District - Raigarh, (C.G.) for the offence punishable under Sections 363, 366A, 376 of IPC and 4 & 6 of POCSO Act, 2012.

2. As per the prosecution story, on 02.08.2018, Complainant Setpal Yadav (Father of the prosecutrix), lodged a report in police station wherein it has been alleged that her daughter (prosecutrix), aged about 15 years and 8 months has been abducted by the present Applicant. On the basis of the said report, offence has been registered. During course of investigation, on 16.08.2018, prosecutrix was recovered from the instance of the Applicant. Statement under Section 161 of Cr.P.C. of the prosecutrix has been recorded twice. Thereafter offence under Section 376 of IPC has been added. The Applicant has been taken into custody on 16.08.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that there was a love relationship between both of them. In her statement recorded under Section 161 of Cr.P.C. (firstly), prosecutrix has not supported the case of the prosecution and categorically stated that she herself left the house and went alongwith the Applicant. The Applicant has not committed any sexual intercourse with her. Later on due to some pressure of her parents, she falsely implicated the Applicant. The Applicant is in custody since 16.08.2018. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.

6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that in her firstly recorded statement under Section 161 of Cr.P.C., prosecutrix has not supported the case of the prosecution, the Applicant is in custody since 16.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge