

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4279 of 2019

- Ajay Sonkar S/o Shiv Kumar Sonkar, Aged About 18 Years, R/o Village Parsuli, P.S. Deori, District Balod Chhattisgarh, District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Deori, District Balod Chhattisgarh, District : Balod, Chhattisgarh

----Non-applicant

For Applicant – Mr. B.P. Singh, Advocate.

For Non-applicant/State – Ms. Akansha Jain, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-08-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 27-02-2019 in connection with Crime No.25/19 registered at P.S. - Deori, District Balod, Chhattisgarh for the offence under Section 376, 376(2)(N) of the IPC with 4, 5(I), 5 (N) & 6 of the POCSO Act.

2. It is submitted on behalf of the applicant that this applicant has been falsely implicated in this case. He is in jail since 27-02-2019. No offence has been committed by the applicant. The prosecutrix in this case is a major woman and she was a consenting party in the relationship that has happened. The applicant has a child from the prosecutrix and she has no objection if the applicant is granted bail. Therefore, it is prayed that the application may be allowed.

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

4. The complainant/prosecutrix is present in person before this Court. She has made statement that she is presently residing in the house of this applicant

himself as his wife and her age is presently 19 years. She has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant has ravished and exploited the minor prosecutrix and made her pregnant.

7. After considering the statement made by the complainant/prosecutrix and also as it appears that the prosecutrix has been examined before the trial Court where she turned hostile, therefore, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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