

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6131 of 2019

- Kumar Sonwani @ Kotari S/o Heerasai Sonwani , Aged About 21 Years R/o Village Durgapur, Police Station Sankargarh, District - Balrampur - Ramanujganj Chhattisgarh. Current Address - Bhattapara, Police Chowki - Manipur, Police Station - Ambikapur, District - Surguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - S. H. O. Ambikapur District - Surguja Chhattisgarh.,

---- Respondent

For Applicant	: Shri Apoorva Tripathi, Advocates
For Respondent/State	: Smt. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

13/12/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.624/2018 registered at police station Ambikapur Chowki, Manipur District Surguja (CG) for the offence punishable under Sections 363,366,376(3), 344,323, 366A, 368 and 114 IPC and Sections 4 and 17 of the Protection of children from Sexual offences Act, 2012.

As per prosecution case, on 17.11.2018 report was lodged by the maternal uncle of the prosecutrix alleging that since three days the prosecutrix went missing after going to school. However, on 05.04.18,

the prosecutrix along with her grandmother went tot the police station and recorded her statement on the basis of which crime was registered against the applicant and his parents.

Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated. He further submits that the prosecutrix has no alleged about any physical or sexual harrasment committed by the applicant. He submits that the applicant is in jail since 09.04.19; the charge sheet has been filed and the trial will take time for final disposal and therefore he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Though notice has been served upon the prosecutrix, none present on her behalf.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant, I am inclined to release him on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge