

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2834 of 2020

Vicky Soni, S/o. Vikram Soni, aged about 24 years, Residing At Ambedkar Ward Kondagaon District Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station Kondagaon, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/07/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.83/2019, registered at Police Station – Kondagaon, District – Kondagaon (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. Totally false FIR has been lodged against this

applicant. The FIR lodged on 30.03.2019 in which it is stated that the incident had been between 2017-18 and there is no specific date given. Apart from that the story of prosecution is also improbable. FIR is belated. The applicant is in jail since 07.03.2020. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix had been minor and she was sexually exploited by this applicant, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the FIR lodged on 30.03.2019, the prosecutrix received some phone call in the year 2017-18. The caller identified himself as Vicky Sony. On the insistence made by the caller, the prosecutrix met the applicant in some dilapidated building about 3-4 times, where the applicant had committed sexual intercourse with her. The prosecutrix became pregnant and when she was carrying the pregnancy of about 8 months, FIR has been lodged.
6. Considering that the delay in lodging of FIR needs to be explained along with that there are other circumstances also present on record, regarding which the applicant counsel has made submissions, therefore, this Court is of the opinion that present is a fit case, in which,

the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram