

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3068 of 2020

- Laxman Sonwani @ Ram S/o Ramlakhan Sonwani Aged About 20 Years R/o Jirhul, Thana Kusmi, District Balrampur-Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Karoundha, District Balrampur-Ramanujganj Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash Pandey, Advocate.

For Non-applicant/State : Mr. Vimlesh Bajpayee, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-06-2020

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 10.04.2020 in connection with Crime No.07/2020, registered at Police Station- Karoundha, District- Balrampur, Ramanujganj, C.G. for offence punishable under Sections 363, 366 and 376(2)(n) of I.P.C. and Sections 04 and 06 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 10.04.2020 and has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix is major and she had been a consenting party. The statement given by prosecutrix in the investigation itself exonerates the applicant from the alleged commission of offence. Hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant formally opposes the

application and submits that prosecutrix is minor, therefore, any consent given by her is immaterial. Hence, it is prayed that his application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, this applicant allured the minor prosecutrix with false promise to marry her and then after abducting her, he kept the minor prosecutrix in his custody and exploited her sexually which amounts to commission of offence of rape.
6. After considering the statement that has been given by the prosecutrix in the investigation and also on the submissions that had been made on behalf of the applicant, I am of this view that it is a fit case for grant of bail.
7. 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge