

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7048 of 2020**

Rupesh Kumar Sonkar, S/o. Mahesh Sonkar, aged about 21 years, R/o. Bhawani Nagar, Simga, Police Station Simga, District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police of Police Station Simga, District Baloda Bazar Bhatapara (Chhattisgarh).

---- Respondent

For Applicant	: Mr. H.A.P.S. Bhatia, Advocate on behalf Mr. Anil Gulati, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/12/2020**

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.276/2020, registered at Police Station – Simga, District – Baloda Bazar - Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376, 456 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. It is reflected from the statement of the prosecutrix herself that she willingly come to

reside in the house of the applicant. In her statement under Section 164 of Cr.P.C. herself before the Magistrate, the prosecutrix has clearly denied about any physical relation with the applicant. False FIR has been lodged by the father of the prosecutrix. The applicant is in jail since 04.09.2020. Therefore, it is prayed that the applicant may be released 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 allegations against this applicant is clearly made by the prosecutrix in her statement under Section 161 of Cr.P.C.. Apart from that, the prosecutrix is minor of age below 15 years, therefore, the applicant is not entitled for grant of bail.
4. The notice was issued to the complainant/informant, which was returned served on the date of appearance i.e. on 19.11.2020. None appeared on behalf of the complainant and there was no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that the applicant enticed the minor prosecutrix with false promise to marry her and then by keeping her in his custody, he has established physical relation with her, which amounts to commission of offence of rape.
7. Considered on the submissions and the facts of the case. It is found that the statement of the prosecutrix under Section 164 of Cr.P.C. has material development, hence for this reason, this Court is of the

opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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