

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1347 of 2021**

Hemant @ Manish Sonwani, S/o. Ramkapil Sonwani, aged about 19 years,
R/o. Satnamipara, Kunda, Police Station- Kunda, District Kabirdham,
Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer Kunda, District
Kabirdham, Chhattisgarh

---- Respondent

For Applicant	: Mr. Hemant Gupta, Advocate
For Respondent/State	: Mr. Akhtar Hussain, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/03/2021

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.260/2020, registered at Police Station – Kunda, District – Kabirdham (C.G.) for the offence punishable under Section 363, 366, 342, 376 (2) (n) of the Indian Penal Code and Section 4, 6 of the 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. There is admission of the prosecutrix herself in her statement under Section 161 of Cr.P.C that she and the applicant were having affair. Further the allegation of the applicant is totally false and baseless. The medical examination report of the prosecutrix does not support her version that she was raped. Therefore, there is no case present. Hence, it is prayed that the

applicant may be released on 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 has made categorical statement under Section 161 and 164 of Cr.P.C. alleging that the applicant has raped her. Further she is minor of age below 16 years, therefore, no case is made out for grant of bail.
4. Prosecutrix had appeared before this Court today itself and she had made statement of objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Case of the prosecution is this that this applicant called the minor prosecutrix to his house, when she refused, the applicant forcefully took her to his house, locked in a room and then had physical relation with her, regarding which, FIR has been lodged.
7. Considered on the submissions. Looking to the facts present and the statement of the prosecutrix against this applicant, this Court is of the opinion that present is not 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 rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge