

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.1527 of 2021**

- Dayanand Soni S/o Shri Satyanarayan Soni Aged About 24 Years R/o Village Kotami Sonar, Police Station Akaltara, District Janjgir Champa, Civil And Revenue District Janjgir Champa Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Masturi, District Bilaspur Chhattisgarh

**---- Non-applicant**

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| For Applicant           | : | Mr. Manoj Kumar Sinha, Advocate.       |
| For Non-applicant/State | : | Mr. Dinesh Tiwari, Dy. Govt. Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**26-05-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second application filed for grant of regular bail. The first bail application i.e. M.Cr.C. No.3922 of 2020 was dismissed as withdrawn on 25.06.2020. The applicant has been arrested on 20.02.2020, in connection with Crime No.74/2020, registered at Police Station-- Masturi, Police Station- Bilaspur, C.G. for offence punishable under Section 370, 376, 506 of I.P.C. and Section 4 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the prosecution case, therefore, there is nothing left in this case against this applicant. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submissions made by the learned counsel for the applicant.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant traded the minor prosecutrix for human trafficking and he has also raped her by putting her under threat. Hence, this case.
6. Considered on the submissions and the copy of deposition of the minor prosecutrix, which is filed along with the application and on perusal of the same, it is found that the prosecutrix is a hostile witness as she has not supported the prosecution case. Looking to this development, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Monika

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Vacation Judge