

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2236 of 2021**

Purushottam Sonkar S/o Mangtu Ram Sonkar Aged About 21 Years
(Wrongly Mentioned As Magtu), R/o Bazar Para, Kareli Badi Chowki, Kareli
Badi, Police Station Magarlod, District Dhamtari Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Chowki Kareli
Badi, P/s Magarlod, District Dhamtari Chhattisgarh.

---- Respondent

For the Applicant : Shri Praveen Dhurandhar, Advocate.
For the Respondent/State : Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.07.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No.8276 of 2020 dated 11.1.2021. The applicant has been arrested in connection with Crime No.166 of 2020, registered at Police Chowki Kareli Badi, Police Station – Magarlod, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 363, 366, 376 and 506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 23.9.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the case of the prosecution on the charge of rape against this applicant. Hence,

it is prayed that the applicant be enlarged 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 in this case is minor aged about 14 years 6 months and she made a clear statement under Section 161 of the Cr.P.C. regarding the commission of offence of abduction and rape by the applicant. Hence, no case is made out for grant of bail to the applicant.

4. Complainant – Balchand Sahu is present before this virtual Court through the Help-Desk of the DLSA, Dhamtari. He made a statement that he has objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on pretext of marrying her and then he established physical relation with her knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix filed alongwith the application and it is found that she is a hostile witness and she has not supported the prosecution case. Further, the statement of the prosecutrix under Section 164 of the Cr.P.C. at the stage of investigation was also contradictory to her previous statement. Hence, under these circumstances and looking to the

development that has taken place, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge