

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2380 of 2021

- Jit Soni @ Lakshmidhar Sona, S/o Kamdev Sona, Aged About 23 Years, R/o Shanduhel, Police Station-Raja Khariyar, District-Navapada(Odisha), Present Address- Mittal Hospital, Near Rajiv Nagar Lodhipara Chowk, Police Station-Pandari, Mova, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- New Rajendra Nagar, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mrs. Smita Jha, Advocate.
For Respondent/State	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

12/04/2021

1. Heard.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.29/2021 registered at Police-Station-New Rajendra Nagar, District-Raipur(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 3 & 4 of POCSO Act, 2012.

6. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated. False FIR has been lodged against this applicant because of some misunderstanding by the mother of the prosecutrix. The prosecutrix is sister-in-law of this applicant. The prosecutrix and the mother-in-law of this applicant, had appeared before the Sessions Judge and made a statement that they have no objection in grant of bail to this applicant, but the same was not considered, therefore, it is prayed that he may be enlarged on regular bail.
7. 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 statement of prosecutrix under Section 161 as well as 164 CrPC clearly mention, that this applicant abducted the minor prosecutrix and also subjected to have sexual intercourse which amounts to rape as the prosecutrix was not capable for giving consent, hence, the application be rejected.
8. I have heard the learned counsel for both the parties and perused the case diary.
9. As per prosecution case, it is submitted that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually on numerous occasions knowing well that she was not capable to give valid consent for such relationship.
10. Considered on the submissions. There is mention in the rejection order regarding the appearance of the prosecutrix and her mother and also their statements made about their no objection in grant of bail to this applicant, hence, taking into consideration these developments in the case, I feel inclined to allow the application of this applicant.

11. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha