

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3276 of 2021**

Dinesh Prasad Soni S/o Budgu Soni Aged About 25 Years R/o Andhla ,
Police Station Lakhanpur District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Lakhanpur District Surguja Chhattisgarh.

---- Respondent

For the Applicant : Shri Nishi Kant Sinha, Advocate.
For the Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2021**

Heard.

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.66 of 2021, registered at Police Station – Lakhanpur, District – Surguja, Chhattisgarh for the offence punishable under Sections 376 and 313 of the Indian Penal Code and Sections 4 and 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 3.4.2021 and has been falsely implicated in this case. The case has been investigated and charge-sheet has been filed. The trial of the case is likely to take some time for its final disposal. 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. Although, the prosecutrix was major at present but when the incident occurred she was minor. Hence, the applicant is not entitled for grant of bail.

4. The prosecutrix is present before this virtual Court through the Help-Desk of the DLSA, Sarguja. She made a statement that she has no 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, in the year 2013, when the age of the prosecutrix was below 18 years, the applicant established physical relation with her on the pretext of marrying which continued up till the year 2021 in between the prosecutrix got pregnant on more than one occasion and on every occasion her pregnancy was aborted at the instance of this applicant. Hence, this case.

7. Considered the submissions and the facts present in this case. Taking into consideration the statement of no objection given by the prosecutrix, 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