

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3290 of 2021

- Rajendra @ Deepak Sonwani Son of Mahendra Sonwani, Aged About 22 Years, Resident of Village Sonbandha, Tahsil Takhatpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Torwa, District Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vimal Kumar Tondey, Advocate.

For State/Non-applicant – Smt. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-06-2021

Heard.

The default pointed out by the Registry is waived.

Admit.

The State counsel submits that the case diary is available.

Both the counsel have agreed to make their submissions finally.

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 25-03-2021 in connection with Crime No.330/2018 registered at Police Station – Torwa, District Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated in this case. The offences registered against him are not at all made out. The statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. clearly exonerate the applicant from commission of all the offences for which he has been charge sheeted. Therefore, it is prayed that the applicant be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.
5. Complainant Baldau Kewat has lodged the FIR that his minor daughter aged 15 years has been abducted by some unknown person. During investigation the prosecutrix was recovered from the custody of this applicant.
6. Considered on the submissions. The statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. tell a different story, hence, looking to that, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant 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 one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge