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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3509 of 2021**

Sonu Dhanuhar, S/o. Late Samar Singh, aged about 20 years, Caste-Dhanuhar, R/o. Ward No. 48, Imlichhapar, Bharotal, Police Station Kusmunda, Tahsil Katghora, District Korba Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Kusmunda, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Basant Kaiwartya, Advocate
For Respondent/State	: Mr. Amit Kumar Verma, P.L.

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

23/07/2021

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.57/2021, registered at Police Station – Kusmunda, District – Korba (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 4 & 6 of the POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 23.02.2021. No offence has been committed by this applicant. FIR lodged by the prosecutrix is totally false. Hence, it is prayed that the applicant may be enlarged on regular 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 there is clear statement of the prosecutrix against this applicant and the age of the prosecutrix on the date of first incident was only 14 years. Therefore, there is no case present for grant of bail.
4. Prosecutrix is present virtually before this Court on notice through the Help Desk of this Court and she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, the prosecutrix met with the applicant about four years prior to the lodging of FIR and on some date, which is not specific, the applicant came to the house of the prosecutrix, expressed his love and intention to marry her and then had physical relation with her, which continued for sometime, but when the prosecutrix insisted for marriage, the applicant refused, therefore, the FIR has been lodged.
7. Considered on the submissions. The prosecutrix had also appeared before the Sessions Court praying for grant of bail to the applicant and she made similar statement before this Court also. After considering on all the facts and circumstances present in the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram