

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4001 of 2021**

Jai Prakash Soni @ Jeetu Soni S/o Mahadev Soni Aged About 19 Years R/o Ward No. 5 Ahiwara Police Station - Nandini Nagar District - Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - S.H.O Police Station Nandini Nagar, District - Durg Chhattisgarh. (As per Charge Sheet).

---- Respondent

For the Applicant	:	Shri Avinash Chand Sahu, Advocate.
For the Respondent/State	:	Shri Amit Kumar Verma, P.L.
For the Complainant	:	Shri Purnendra Khichariya, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.07.2021**

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 The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 6753 of 2020 dated 16.10.2020. The applicant has been arrested in connection with Crime No.174 of 2020, registered at Police Station – Nandini Nagar, District – Durg, Chhattisgarh for the offence punishable under Section 450 and 376/ 34 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 11.8.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the

prosecution case. 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 was minor on the date of incident and further, there are other witnesses yet to be examined in the trial. Hence, no case is made out for grant of bail to the applicant.

4. Learned counsel for the complainant submits that the complainant 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, it is alleged that this applicant forced his entry into the house of the minor prosecutrix and then finding her alone he raped her regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Perused the certified copy of the deposition of the prosecutrix and her mother filed alongwith the application and it is found that they have been declared hostile as they have not supported the prosecution case. Hence, looking to the development, 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