

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4308 of 2021**

Karan Sonwani S/o Prakash Sonwani Aged About 20 Years R/o Village Chanwaridand, Police Station And Tahsil Ramanujnagar, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - Station House Officer, Police Station Ramanujnagar, District Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Gyan Prakash Shukla, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.07.2021**

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.49 of 2021, registered at Police Station – Ramanujnagar, District – Surajpur, Chhattisgarh for the offence punishable under Section 363, 366, 376(2)(n) and 376(3) 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 13.3.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly shows that there had never been any physical relation between them and the prosecutrix had

willingly gone and resided with the applicant, therefore, there is no case present against this applicant. 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 of age below 16 years and further, there is a clear statement of the prosecutrix under Section 164 of the Cr.PC. alleging the offence of rape committed by the applicant. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Surajpur. 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, the prosecutrix left with the applicant and then both of them resided in Ambikapur for about three days during which, this applicant had physical relation with the minor prosecutrix knowing well that she is not competent to give such consent.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and also the statement of no objection from the complainant side, 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