

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4881 of 2020**

Abhishek Soni S/o Shri Yashwant Soni Aged About 19 Years R/o Quarter No. 20/d, Street No. 18, Camp 1 Bhilai, P.S. Chavni, District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through, SHO, Police Station Chavni, District- Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Aman Yadav, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.07.2021**

Heard.

1. This is the third bail application of the applicant. The first bail application of the applicant was dismissed on 11.4.2019 in M.Cr.C. No. 1294 of 2019 and the second bail application was again dismissed on 15.10.2019 in M.Cr.C. No. 6062 of 2019. The applicant has been arrested in connection with Crime No.423 of 2018, registered at Police Station – Chavni, District – Durg, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 19.7.2018 and has been falsely implicated in this case. The trial against the applicant has not made any progress. The prosecutrix has been

examined in the trial and her statement reveals that she is not a reliable witness. The prosecutrix herself stated that she has no objection in grant of bail to the applicant. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 has made a clear statement before the Court regarding the incident in which she was sexually abused by this applicant. Hence, looking to the evidence present, the applicant is not entitled for grant of bail.

4. The prosecutrix had appeared before this Court on notice on 18.11.2020 and on that date, she has made a statement of no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. There is no need to consider the prayer in this application on merits. The new circumstance pointed out is the deposition of the prosecutrix in the trial and the certified copy of the deposition was produced before this Court. After perusal of the same, the submissions made in support of the bail are found to have weight.

7. Considered the submissions and the facts present in this case. Looking to the period of detention of the applicant and the fact that the trial against the applicant is still not concluded, 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