

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5260 of 2021**

- Laxmiprasad Sonwani S/o Ganeshram Sonwani Aged About 19 Years R/o Village Raspalpur, Tahsil- Pithaura, Police Station- Pithaura, District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Basna, District- Mahasamund, Chhattisgarh.

---- Respondent

 For Applicant : Ms. Deblina Maity, Advocate
 For respondent/State : Mrs. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****01.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 12.02.2021 in connection with Crime No.29/2021 registered at Police Station Basna, Distt. Mahasamund (C.G.), for the offence punishable under Sections 363, 366 and 376(2- b) of the Indian Penal Code, 1860 (for short 'IPC') and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. Brief facts of the case are that on 10.01.2021, the applicant abducted minor prosecutrix and took her to Cuttack Orissa, kept her there for about 15 days and physically abused her repeatedly. FIR has been lodged against the applicant under Section 363 of the CrPC in Police Sation Basna, Distt.

Mahasamund. After recovery of the victim/prosecutrix and due investigation, charge sheet under Sections 363, 366, 376 (2-⁶) of the IPC and Sections 4 & 6 of the POCSO Act has been filed against the applicant.

3. Learned counsel for the applicant submits that the applicant has not committed the alleged crime and he has been falsely implicated in this case. Actual facts of the case are that the victim/prosecutrix herself had gone to the place of her maternal uncle (mama) without informing her parents. Therefore, her parents lodged FIR against the applicant only on the basis of suspicion. Learned counsel would next submit that victim/prosecutrix, her father and mother have been examined before the trial Court and they have totally turned hostile and not supported the case of the prosecution. The applicant is 19 years old boy and is in jail since 12.02.2021, hence he may be released on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that though the victim/prosecutrix and her parents have been declared hostile before the trial Court and they have not supported the case of the prosecution, but it is a case of abduction and rape of minor prosecutrix. The trial is going on, hence the application for bail may be rejected.

5. The victim/prosecutrix virtually appeared before this Court through District Legal Services Authority, Mahasamund on

08.9.2021 and submitted that she has no objection in grant of bail to the applicant.

6. I have heard learned counsel for both parties and perused the case diary and the material available on record and also the certified copy of the deposition of the victim/prosecutrix and her parents recorded before the Court below.

7. Considering the facts and circumstances of the case, total hostility of the victim/prosecutrix and her parents before the trial Court, detention period of the applicant, his age and totality of the facts of the case, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE