

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6342 of 2021

- Murlidhar Sonwani S/o Balram Sonwani, Aged About 21 Years R/o Village Sitlawand Pujaripara P.S. Bhanpuri District Bastar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Darbha District Bastar Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Vikash A. Shrisvastava, Advocate.
For Non-applicant/State	:	Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 23.07.2021, in connection with Crime No.33/2021, registered at Police Station- Darbha, District- Bastar, C.G. for offence punishable under Section 363, 366(a) and 376 of I.P.C. and Section 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 23.07.2021. The prosecutrix was willing and consenting party, which is reflected from her statement. Further, the prosecutrix was also not minor on the date of incident, therefore, there is no case present against this applicant. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor of age below 18 years, therefore, her consent or willingness is of no consequence, therefore, the application may be rejected.
4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Jagdalpur and she has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per prosecution case, there is allegations that this applicant abducted the minor prosecutrix, kept her in his custody for some time and then on pretext of marrying her, he exploited her sexually on more than one occasions. Hence, this case.
7. Considered on the submissions. Taking into consideration, the statement given by prosecutrix under Section 164 of Cr.P.C. and also that the prosecutrix herself has no objection in grant of bail to the applicant, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge