

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6392 of 2021

- Dujram Sonwani S/o Motiram Aged About 26 Years, Caste- Satnami, R/o Abhanpur, Ganjpara, Satti Chowk, Near Krishi Upaj Mandi, Police Station - Abhanpur, District - Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Gurur, District - Balod, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Sukhdev Prasad Sahu, Advocate.
For Non-applicant/State	:	Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-09-2021

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 20.05.2021, in connection with Crime No.135/2021, registered at Police Station- Gurur, District- Balod, C.G. for offence punishable under Section 363, 366, 376-2-एन, 376(ड) of I.P.C. and Sections 4, 5-ए and 6 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 20.05.2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case, therefore, there is nothing left in the prosecution against the 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 and further, there are other witnesses yet to be examined in the trial, who may support the prosecution case. Therefore, it is prayed that this application may be rejected.

4. Complainant- Raghuvir Barkhe is virtually present before this Court through the Help Desk of D.L.S.A. Balod and he 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, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody on pretext of marrying her, he has exploited her sexually. Hence, this case.
7. Considered on the submissions. Perused the certified copy deposition of the prosecutrix filed along with the application, which shows that the prosecutrix is a hostile witness and she has not supported the prosecution case. Hence, 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