

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7826 of 2021

- Raju Soni, S/o Late Shiv Prasad Soni Aged About 35 Years R/o In Front Of Cultural Building, Nageshwar Nagar, Birgaon, Police Station Urla, District Raipur Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Urla, District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Mr. S.P. Sahu, Advocates.
For Respondent/State	:	Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on board

17/12/2021

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.5346 of 2021 vide order dated 24.08.2021 was dismissed as withdrawn.
2. This 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.146/2021 registered at Police Station-Urla, District-Raipur, Chhattisgarh, for the offence punishable under Sections 294, 323, 376 of the IPC and Section 4 & 6 of POCSO Act.

3. It is submitted by the learned counsel for the applicant, that applicant has been falsely implicated in this case. The prosecutrix has been examined in the trial Court and she has not supported the prosecution case, therefore, there is no case present against this applicant, hence, it is prayed that his bail application be allowed and he may be granted bail.
4. Learned State counsel opposes the application and submits that there are other material witnesses yet to be examined in the trial, who may support the prosecution case, therefore, the application be rejected.
5. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA Raipur on 17.11.2021. She had stated that she has no objection in grant of bail to this applicant.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. According to the prosecution case, it is alleged that this applicant has sexually exploited his own daughter, the minor prosecutrix and he has also abused her by filthy language and assaulted by causing simple injuries regarding which FIR was lodged.
8. Considered on the submissions. Perused the certified copy of deposition of the prosecutrix, according to which, she has not supported the prosecution case against this applicant, hence, looking to this development in the trial, I feel inclined to allow the bail application of this applicant.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha