

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8731 of 2021

Sandeep Sonwani S/o Punit Ram Sonwani Aged About 26 Years R/o Farhada, P.S. Kharora, District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kharora, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.D. Kuldeep, Advocate
For Respondent – State	:	Smt. Smita Jha, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

16.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.173/2018, registered at Police Station Kharora, District – Raipur (CG) for the offence punishable under Sections 363, 366, 376(2)(N) and 376 (3) of the IPC.
2. As per the prosecution case, the complainant has lodged a missing report in the police station Kharora that the prosecutrix has gone without giving any information to her parents and during investigation she has been recovered from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and he is falsely implicated in the present case. He further submits that the prosecutrix and her brother has been examined before the trial Court and they have not supported the prosecution case and turned hostile. The

applicant is in jail since 28.11.2020 and has served about one year of jail sentence and trial is likely to take some time, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering the statements of the prosecutrix and her brother given before the trial Court on 02.09.2021, in which they have turned hostile and further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.5,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions :-

- (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
- (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
- (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge