

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.9493 of 2020

- Nand Kumar Sonwani S/o Bhuwal Das Sonwani Aged About 22 Years R/o Village- Raiput, Op Karhi Bazar, PS Balodabazar At Present R/o S.K.S. Power Ltd. Siltara, District- Raipur (C.G.) (Wrongly Not Been Mention Das Name Of The Father)

---- Applicant

Versus

- State Of Chhattisgarh Through SHO Sarwati Nagar, Raipur District- Raipur (C.G.)

---- Non-applicant

For Applicant : Mr. Dheerendra Pandey, Advocate.

For Non-applicant/State : Mr. B.P. Banjare, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

09-03-2021

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 11.10.2020, in connection with Crime No.138/2020 registered at Police Station-- Saraswati Nagar, Raipur, District- Raipur, C.G. for offence punishable under Sections 363, 366, 376 of I.P.C. and Section 04 and 06 POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix was not minor and the age proof on which the prosecutrix is relying is doubtful. The statement of prosecutrix under Section 164 of Cr.P.C. reveals that she was willing and consenting party. The applicant is in jail since 11.10.2020. Hence, it is prayed that the applicant is granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor of age below 16 years, therefore, any willingness or consent on her part is immaterial.

Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the applicant and the prosecutrix were Facebook friends, then they started meeting each other and they also had physical relation on one occasion. It is alleged that the prosecutrix was abducted by this applicant on 05.12.2020, who then kept her in his custody and exploited her sexually. Then the prosecutrix was recovered by the police. Hence, this case.
6. Considered on the submissions. After considering on the statements of the prosecutrix given under Section 161 as well as under Section 164 of Cr.P.C., I feel inclined to allow this application.
7. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika