

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9457 of 2020**

Raju Soni, S/o. Ram Adheen, aged about 20 years, R/o. Ketka, P.S. and Tehsil Surajpur, District Surajpur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : P.S. Balrampur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sangeeta Soni, Advocate
For Respondent/State	: Mr. Kunal Das, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/02/2021**

1. This is the first 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.55/2020, registered at Police Station – Balrampur, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case for the reason that father of this applicant had lodged FIR against the brother of the

prosecutrix regarding commission of offence of abduction of the sister of this applicant. No such offence has been committed by this applicant as is alleged by the prosecutrix. The applicant is in jail since 25.10.2020. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that statement of the prosecutrix is clear and categorical against the applicant regarding commission of offence of abduction and rape by the applicant, therefore, no case is made out for grant of bail.
4. Prosecutrix is present in person before this Court on notice and she has stated that she has no objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and then by keeping her in his custody, he has exploited her sexually on the pretext that he will marry her in near future which continued for sometime until she was recovered by the police.
7. Considered on the submissions and the facts present in the case. Looking to the statement of the prosecutrix under Section 164 of Cr.P.C. and also her no objection made before this Court, hence this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram