

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 361 of 2021**

Khemraj Sonwani, S/o. Khuman Das Sonwani, aged about 22 years, R/o. Vinoba Bhawe Nagar Ward No.21, Infront of Kasturba School Mungeli, Police Station City Kotwali, Mungeli, District- Mungeli (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through : The District Magistrate Durg, District- Durg (C.G.).

---- Respondent

For Applicant	: Mrs. Smriti Shrivastava, Advocate on behalf of Mr. Jitendra Gupta, Advocate
For Respondent/State	: Ms. Rina Singh, P.L.
For Complainant	: Mr. Vipin Singh, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/03/2021

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.548/2019, registered at Police Station – Pulgaon, District – Durg (C.G.) for the offence punishable under Section 376, 420, 363 of the Indian Penal Code and Section 4 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. The prosecutrix has lodged false FIR against this applicant and subsequently, she has realised her fault therefore, she has come to the Court to make a statement of no objection. The applicant is in jail since 09.10.2020. Hence, it is prayed that the applicant may be released 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 the prosecutrix is minor of age below 18 years at the time of incident and further looking to the statement of the prosecutrix present against the applicant, he is not entitled for grant of bail.
4. The prosecutrix is present before this Court through counsel Mr. Vipin Singh. She herself has made statement that she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Case of the prosecution is this that the prosecutrix had an affair with one another boy, who died in the road accident. This applicant being the common friend of her and the deceased boyfriend, approached her and gave inducement that he can make arrangement for a sorcerer so that the prosecutrix can talk to the soul of the deceased boyfriend. Getting deceived, the prosecutrix delivered Mangalsutra of her mother to this applicant for payment of fees to the sorcerer. Subsequently, the applicant exceeded in taking favour of the prosecutrix and exploited her sexually, therefore, FIR has been lodged against the applicant.
7. Considered on the submissions. Taking into consideration this fact that the prosecutrix is present before this through her counsel and made statement of no objection in grant of bail to the applicant, hence for this reason, 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 today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram