

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9296 of 2021**

Durgesh Sonwani S/o Devi Singh Aged About 28 Years R/o
 Village Khopali, Police Station Bhagbahara, District
 Mahasamund Chhattisgarh --- **Appellant**

Versus

State of Chhattisgarh through the Station House Officer,
 Police of Police Station City Kotwali Dhamtari District
 Dhamtari Chhattisgarh ---- **Respondent**

For the applicant : Mr. Praveen Kumar Dhurandhar, Adv.
 For the Respondent : Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****17.12.2021**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 269/2021 of Police Station City Kotwali, Dhamtari, Distt. Dhamtari (C.G) for the offences punishable under Sections 363, 366, 376(2) of IPC and Section 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, the present applicant knowing fully well that the victim is minor allured and enticed away her on the pretext of marriage from the lawful custody of the parents and thereafter committed sexual intercourse.
3. Learned counsel for the applicant submits that earlier on 18.10.2021 the prosecutrix has been examined before the court below and she has not supported the case of prosecution. He further submits that the charge sheet has been filed, no further investigation is necessary and the

applicant is in jail since 14.07.2021, therefore, he may be enlarged on bail.

4. Pursuant to the notice sent to the complaint/victim, today the mother Sushila along-with victim is also present before this Court through Video Conferencing, from DLSA, Dhamtari and they stated that they have no-objection to grant of bail.
 5. Per contra, learned State Counsel opposes the bail application.
 6. Perused the statement of prosecutrix who has been examined as P.W.1 which shows that she has not supported the case of prosecution and denied the happening of incident. Having considered the statement of the victim and further the no-objection made by victim and her mother, without going into the merits of the case, I am inclined to allow this bail application.
 7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**