

(2025) 06 CHH CK 0168
In the Chhattisgarh High Court
Case No : M.Cr.C. No. 3408 Of 2025

Sonu @ Prakash Jhariya

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 09-06-2025

Acts Referred:

Bharatiya Nagrik Suraksha Sanhita, 2023 — Section 84, 351, 483

Indian Penal Code, 1860 — Section 363, 366, 376

Protection of Children from Sexual Offences Act, 2012 — Section 3(1)(B), 3(2)(V), 4, 6

Citation : (2025) 06 CHH CK 0168

Hon'ble Judges : Sachin Singh Rajput, J

Bench : Single Bench

Advocate : Ashutosh Mishra, Dilmanrati Minj

Final Decision : Allowed

Judgement

Sachin Singh Rajput, J

1. This is the second bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sahita, 2023 for grant of regular bail to the applicant who is in custody since 15/04/2022 in connection with crime No. 113 / 2022 registered at Police Station - Ghargoda, District - Raigarh (C.G.) for the offence punishable under sections 363, 366, 376 of the IPC and sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act") and sections 3(1)(b) & 3(2) (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The first bail application was dismissed in M.Cr.C. No. 6136 / 2022 by this Court vide order dated 19-09-2022.

2. Case of the prosecution, in nutshell, is that the mother of the prosecutrix has lodged a FIR stating in it that some unknown person has abducted her daughter as she was missing since 11.04.2022. During investigation, the prosecutrix was recovered from the possession of present applicant. Thereafter, the aforesaid offences was registered against the present applicant.

3. Learned counsel for the applicant submits that this application has been filed only on the ground of delay in trial. He submits that 19 witnesses have been cited in the charge-sheet whereas after a lapse about more than 03 years, only 03 witnesses have been examined. He submits that the last witness was examined on 25/09/2023 and since then the prosecution was unable to examine any witness. He submits that the applicant is in jail since 15/04/2022 and remained in jail as under trial prisoner for more than 03 years and trial is likely to take some time. Therefore he submits that the bail application may be allowed.

4. On the other hand, learned counsel for the State opposes the submissions. He submits that the first bail application was dismissed on merit and the prosecutrix was examined and supported the case.

5. Heard learned counsel for the parties and perused the case diary.

6. After hearing counsel for the parties and considering the detention period of the applicant and also looking to the delay in trial, this Court is inclined to allow this bail application. Accordingly, the application is 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 one surety for the like sum to the satisfaction of the concerned trial court, with the following terms and conditions:

(i) that the applicant 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/her from disclosing such facts to the Court or to any police officer;

(ii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial;

(iii) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial;

(iv) that applicant shall not influence the witnesses or tamper with the evidence;

(v) that applicant will not meet with any of the prosecution witness till conclusion of the trial.

7. The victim/complainant or State would be at liberty to move an application for cancellation of bail of the applicant if he violates any of the conditions as mentioned above.

8. Certified copy as per rules.