

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.1887 of 2015

Santu Kumar Sonwani, S/o Dilip Kumar Sonwani, aged about 22 years, R/o Sivni, Murkuta, Thana Nawagarh, District Bemetara (C.G.) at present R/o Jeet Cold, Gondwara, Thana Khamtarai, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Khamtarai, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Manoj Kumar Jaiswal, Advocate.
For Non-applicant:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

29/07/2015

1. Heard.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.107/2014 {ST No.1433/2014 pending in the Court of Additional Sessions Judge (FTC), Raipur}, registered at Police Station Khamtarai, Distt. Raipur, for the offence punishable under Sections 363, 366, 376 of the IPC, 4, 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed as withdrawn vide order dated 12-1-2015 passed by this Court in M.Cr.C.No.35/2015.
4. Case of the prosecution, in brief, is that the applicant abducted the prosecutrix (minor) and committed sexual intercourse with her.

5. Learned counsel for the applicant submits that the prosecutrix and four other witnesses have been examined and they have not supported the case of the prosecution, as such, the applicant has already married the prosecutrix and has a child out of the said marriage.
6. On the other hand, learned State counsel opposes the application and submits that date of birth of the prosecutrix is 5-3-2000, whereas the offence is alleged to have been committed on 23-2-2014, as such, on the date of offence, she was minor and therefore, consent, if any, will come into play under the 6th Exception to Section 375 of the IPC and as such, the applicant is not entitled to be released on bail.
7. Taking into consideration the nature and gravity of offence and age of the prosecutrix on the date of offence i.e. 14 years, I do not find it a fit case for grant of regular bail to the applicant. The application is, therefore, rejected. However, the trial Court is directed to expedite the trial and conclude the same within 3 months from the date of receipt of a copy of this order.

Sd/-
(Sanjay K. Agrawal)
Judge