

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3778 of 2016

Narayan Sonwani, S/o. Karan Sonwani, Aged About 65 Years, R/o. Village Mahendragarh, Post - Khamaripara, P.S. - Mainpur (Chowki - Nawagarh), District Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Rajim, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant : Mohammad Afroz Athar, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 10/16 registered at Police Station- Rajim, District Gariyaband (C.G.) for the offence punishable under Section 368 of I.P.C. & 16 and 17 of POCSO Act.
2. As per the prosecution case, one Prahlad Sonwani allured the minor girl and took away from the lawful guardianship of her father and mother and thereafter on the pretext of marriage committed sexual intercourse with her and subsequently refused to marry and the present applicant who is the father of Prahlad gave shelter to the girl and the other co-accused in his house.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and the main allegations are attributed to the son of the present applicant; therefore, under the facts and

circumstances of the case and taking into the statement, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the girl/victim wherein it is stated that the applicant has given shelter to the girl and other co-accused. Considering the facts of the case, role played by this applicant and the fact that he is in jail since 27.05.2016, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge