

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8363 of 2016

Satish Kumar Sonwani, S/o. Satya Narayan, aged about 20 years, By Caste-Satnami, R/o. Barda, Police Chowki Lawan, Police Station – Kasdol, Civil and Revenue District – Baloda Bazar- Bhatapara (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Chowki – Lawan, Police Station – Kasdol, Civil and Revenue District – Baloda- Bazar – Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Janak Ram Verma, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

16/01/2017

1. This is the second 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.698/2014, registered at Police Station- Kasdol, Police Chowki- Lawan, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution in brief is that a missing report was made by the father of the victim Asharam that her daughter is missing. Subsequently, the said victim was found to be in the custody of the present applicant after one year and 8 months and it was revealed that the applicant on the pretext of marriage, enticed away the girl and committed sexual intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix herself has went along with the applicant and they were married together,

which would be evident from the statement recorded under Section 164 of Cr.P.C. and a child was also born and no offence has been committed. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the statement of the victim recorded under Section 164 of Cr.P.C., wherein she has stated that she has married with the applicant and also perused the statement before Balak Kalyan Samiti Baloda Bazar. Considering such statement, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge