

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 289 of 2018**

- Awadhram Kurre S/o Jethuram @ Bhagat, Aged About 35 Years, R/o Village Baskar, Police Station Bhaiyathan, District Surajpur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Patna District Korea Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****10-01-2018**

1. Heard on admission.
2. The case is admitted for consideration.
3. As the case diary is available with connected cases, the matter is being heard finally.
4. This is second bail application filed by the applicant under Section 439 of the Cr.P.C. before this Court for grant of regular bail. His first bail application was dismissed as withdrawn. The applicant has been arrested on 24-10-2017 in connection with Crime No.189/2017 registered at P.S. Patna, District Korea, C.G. for the offence under Section 363, 366, 376, 368 read with Section 34 of the IPC and Section 6, 16, 18 of Protection of Children from Sexual Offences Act.
5. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case accompanied main accused Ajay Kumar Sonwani on her own free will and stayed in various places without raising any objection. The applicant has been implicated only for the reason that he is relative of the main accused person and had given shelter to the main accused and the prosecutrix in his house. The investigation of the case has been completed and the charge sheet has been filed, hence, there is no purpose left to keep the applicant in detention. Therefore, it is prayed that

the applicant may be granted regular bail.

6. Learned counsel for the State/non-applicant opposes the application and the submissions made. It is submitted that there is prima facie a case against the applicant. Hence, the applicant is not entitled for grant of bail.

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

8. The case against the applicant is this, that main accused Ajay Kumar Sonwani eloped with the minor prosecutrix on 16-08-2017. Thereafter, by keeping the prosecutrix in his own house and the house of the relatives he established physical relationship with the minor prosecutrix on various occasions. The prosecutrix was recovered on 05-09-2017. Thereafter, father of the prosecutrix lodged FIR against main accused Ajay Kumar Sonwani. Police after investigation arrayed the applicant as one of the accused in this case.

9. Considered on the submissions made and the contents of the case diary.

10. After overall consideration on the facts and circumstances of this case and taking into consideration this fact that investigation has been completed and charge sheet has been filed, the applicant is local resident whose appearance before the trial Court can be ensured by imposing condition, hence, keeping the applicant in detention for the whole period of trial is not going to serve any purpose. Therefore, for these reasons, the applications filed under Section 439 of the Cr.P.C. by the applicant deserves to be allowed.

11. Consequently, the application (MCRC No.289/2018) filed under Section 439 of the Cr.P.C. by the applicant for grant of regular bail is hereby 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 in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

12. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge