

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2389 of 2019**

Jeevan Soni @ Jeevan Sonwani, son of Kumar @ Ramkumar, aged about 27 years, caste Satnami, resident of village Tarekela, Police Chowki Bhanwarpur, Police Station Basna, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station Sarsiwa, Civil and Revenue District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Satya Prakash Verma, Advocate.

For Non-Applicant/State : Shri Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/04/2019**

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 on 15.03.2019 in connection with Crime No. 96/2019 registered at Police Station Sarsiwa, District Baloda Bazar Bhatapara, for the offence punishable under Section 363, 366/34, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, an FIR was lodged by Goverdhan Banjare, father of the prosecutrix, that on 13.03.2019, when he came back from his work, Nammu Mirche, Babulal Mirche and two other persons had come to his house

to see her daughter. In the night, after taking dinner they went to sleep. In the morning, he found his minor daughter missing from the house. Subsequently, she was found in the house of Nammu Mirche which he reported to the Police that knowing fully well that she was a minor, the applicant alongwith other co-accused had enticed away the girl and took her away from his lawful custody.

3. Learned counsel for the applicant submits that no allegation of rape has been attributed to the present applicant and the only allegation is that he was also one among those who had gone to the house of the prosecutrix to see her, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. From perusal of the case diary, it appears that the applicant alongwith other co-accused had gone to the house of the prosecutrix to see her, however, because of the date of birth, she was refused to be married and the applicant went back. Prima facie, no other allegation is attributed to the present applicant. Taking into consideration the said circumstances, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

(Goutam Bhaduri)
Judge