

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2714 of 2019**

1. Nammu Mirche S/o Moti Ram Mirche Aged About 64 Years
2. Nan Bai W/o Nammu Mirche Aged About 60 Years

Both are R/o Tarekela, Police Chowki Bhanwarpur, Police Station Basna,
District - Mahasamund Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sarsiva, District Balodabazar-Bhatapara Chhattisgarh

---- Respondent

For Applicants : Shri Satya Prakash Verma, Advocate.

For Respondent/State : Shri Sudeep Verma, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

17/05/2019

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have 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 applicants submits that no allegation of rape has been attributed to the present applicants and they are the mother and father and because of the fact that the girl was minor the marriage was deferred. He would further submit that the similarly placed co-accused namely Jeevan Soni @ Jeevan Sonwani has been released on bail on 18.04.2019 vide M.Cr.C. No.2389 of 2019, therefore, the applicants may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the entire facts of this case and the nature of allegations, since no allegation of rape has been attributed to the present applicants, I am inclined to release the applicants on bail.
6. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

(Goutam Bhaduri)
Judge