

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9622 of 2018**

Sanjay S/o Daya Ram Aged About 22 Years R/o Village
 Pathargawan, P. S. & Tahsil Sonhat, District Korea (Baikunthpur),
 Chhattisgarh **– Petitioner**

Versus

State of Chhattisgarh through The Station House Officer, Police
 Station Sonhat, Civil & Revenue District Korea Chhattisgarh, District :
 Koriya (Baikunthpur), Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Kaushal Yadav, Advocate.
For the Respondent	:	Mr. Samir Behar, P.L., for the State.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****03.01.2019**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.95/2018 registered at Police Station Sonhat, Distt. Korea (C.G) for the offences punishable under Sections 363, 366, 376 & 506 of IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was lodged by the mother on 30.07.2018 that her minor daughter is found missing. Subsequently the girl was found in the company of one Surendra on 01.08.2018 and during investigation it is revealed that Surendra has enticed away the girl from the lawful custody of the parents and thereafter on the pretext of marriage has committed forcible sexual intercourse. In the meanwhile they stayed in the house of the present applicant Sanjay, who is brother of Surendra.

3. Learned counsel for the applicant would submit that the applicant is brother of accused Surendra and nothing has been attributed to the present applicant and only on the allegation that they stayed in the house of the present applicant for a day, therefore, he has been inculpated. He further submits that the charge sheet has been filed, no further investigation is necessary and the applicant is in jail since 17.09.2018, therefore the applicant may be enlarged on bail.
 4. Per contra, learned State Counsel opposes the bail application.
 5. Perused the statement of victim as also the other witnesses.
 6. Considering the nature of allegations against the present applicant and the main allegation is attributed to his brother Surendra as also taking into consideration the fact that the charge sheet has been filed and the applicant is in jail since 17.09.2018, I am inclined to allow this bail application.
 7. Accordingly, the bail 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 concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**