

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1374 of 2021**

1. Ranjeet Sonwani, S/o Ramdeen Sonwani, Aged About 30 Years, R/o Raigarh, Miththu Muda, Jutmil, District-Raigarh, Chhattisgarh.
2. Raju Sonwani, S/o Ramdeen Sonwani, Aged About 33 Years, R/o Raigarh, Miththu Muda, Jutmil, District-Raigarh, Chhattisgarh.
3. Ganga Bai Sonwani, W/o Raju Sonwani, Aged About 28 Years, R/o Raigarh, Miththu Muda, Jutmil, District-Raigarh, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Balconagar, District-Korba, Chhattisgarh. (Wrongly Mentioned as District Magistrate Janjgir,.

---- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate.

For State/respondent : Mrs. Hamida Siddiqui, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/08/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.492/2020 registered at Police-Station-Balconagar, District-Korba(C.G.) for the offence punishable under Sections 363, 366,376 of IPC and Sections 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. They are in jail

since 25.12.2020. Charge-sheet has been filed. The statement of prosecutrix under Section 164 CrPC, shows that marriage of the prosecutrix was negotiated with applicant No.1 for which she was taken by applicant No.2 & 3 and her marriage was performed. The applicant No.1 had physical relation with prosecutrix subsequent to marriage, hence, it is not a case of rape according to this statement, therefore, it is prayed that these applicants may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was minor of age below 16 years and, therefore, if there is any statement of the prosecutrix reflecting her willingness and consent, that is immaterial. There is clear evidence present against all these evidence.
4. Notice was issued to the complainant for fix date on 26.7.2021, which was returned served, but there was no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that applicant No.2 & 3 abducted the minor prosecutrix took her to their village where her marriage was performed with applicant No.1, subsequent to which the applicant No.1 has cohabited and had physical relation with minor prosecutrix, knowing well that she was not capable to give consent for such relation being minor.

7. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 CrPC, which mentions about some negotiation of marriage and also the other circumstances present, I feel inclined to allow the bail application of this applicants.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha