

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6722 of 2021**

- Suraj Sonwani, S/o Kriparam Sonwani, Aged about 22 years, R/o- Village Janjag, Police Station- Sakti, District- Janjgir Champa (C.G.).

---- Applicant

Versus

- State of Chhattisgarh, through- Station House Officer, Police Station- Urga, District- Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Ishwar Jaiswal, Advocate.
For State/Respondent	:	Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****06/10/2021**

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 384/2020 registered at Police Station- Urga, District- Korba (C.G.) for offence punishable under Sections 363, 366 & 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. It is submitted by learned counsel for the applicant, that the applicant has falsely implicated in this case. The prosecutrix has given statement under Section 164 of the Cr.P.C. that her marriage was being negotiated with the applicant, subsequent to which she willingly left

with the applicant, married him and resided with him for some time. There is no allegation of rape made by her in her statement. From date, the FIR was lodged, the prosecutrix was major and the circumstance at present is this that the prosecutrix is now married to some other person. Hence, it is prayed that the applicant may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that the prosecutrix was minor and, therefore, her willingness to go with the applicant amounts to the commission of offences of abduction and she has made clear allegation of rape against the applicant in her statement under Section 161 of the Cr.P.C., hence, the application be rejected.
5. The complainant Komal Ram Mahilange was virtually present before this Court today through the Help Desk of the DLSA, Korba and he has objected to grant of bail to the applicant.
6. I have heard counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix of the age below 18 years, kept her in his custody and committed forceful physical relation without her willingness and consent.
8. Considered on the submissions. Looking to the statement given by the prosecutrix given under Section 164 of the Cr.P.C. and the other circumstances that are present, for these reasons, I feel inclined to allow the application of this applicant.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- 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

Vasant