

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9299 of 2021**

Arun Sonwani @ Chintu S/o Shri Bhagwat Sonwani Aged
About 21 Years R/o Ropakhar, Police Station Kamleshwarpur,
District- Surguja (C.G.) **--- Applicant**

Versus

State of Chhattisgarh through the Station House Officer,
Police Station- Kamleshwarpur, District Sarguja(C.G.).
--- Respondent

For the applicant	:	Mr. Rishi Rahul Soni, Advocate.
For the Respondent	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****17.12.2021**

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.62/2021 registered at Police Station Kamleshwarpur, Distt. Sarguja (C.G) for the offences punishable under Sections 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the applicant, knowing fully well that the victim is minor, allured and enticed her away from the lawful custody of her parents on the pretext of marriage and thereafter committed forcible sexual intercourse with her, thereby offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix has been examined before the court below and she has not supported the case of prosecution, therefore, the applicant may be enlarged on bail. He further submits that the charge sheet has been filed and the applicant is in jail

since 20.07.2021, therefore, he may be enlarged on bail.

4. The mother Sunita Choudhari along-with victim is also present today before this Court and submits that they have no objection to grant of bail.
 5. Per contra, learned State Counsel opposes the bail application.
 6. Perused the statement of victim recorded before the trial Court wherein she has been examined as P.W.01 which shows that the prosecutrix has not supported the case of prosecution and further before this Court too, today when the mother alongwith victim is present in person they have stated that they have no-objection to grant of bail.
 7. Having considered the statements of the victim and her mother and further the non-objection made by them before this Court as also the fact that the charge sheet has been filed and the applicant is stated to be in jail since 20.07.2021 and further looking to the age of prosecutrix, without any observation on the merits of the case, I am inclined to allow this bail application.
 8. 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**