

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4521 of 2015

1. Netram, S/o Sakharam Satnami, aged 27 years, R/o-Sheetalkuda, P.S. and Distt.- Mungeli (C.G.)
2. Manoj Kumar, S/o- Bhagatram Satnami, aged 32 years, Resident and P.S.- Pandatarai, Distt. Kabirdham (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O.- Pandatarai, Distt. Kabirdham (C.G.)

---- Non-applicant

For Applicant: Mr. V.C. Ottalwar, Advocate.
For Respondent/State: Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/09/2015

Heard.

(1) At the outset, counsel for the applicants submits that he may be permitted to withdraw this bail applicant in relation to applicant No. 2 – Manoj Kumar.

(2) He is permitted to do so.

(3) Accordingly, the bail application with regard to applicant No. 2 – Manoj Kumar is dismissed as withdrawn.

- (4) Heard on bail application in relation to applicant No. 1 – Netram.
- (5) The accused/applicant No.1 - Netram has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 44/2015 registered at Police Stations Pandatarai, Distt. Kabirdham for the offences punishable under Sections 363, 366, 368 & 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.
- (6) Case of the prosecution, in brief, is that co-accused Ramkumar kidnapped minor girl and taken her to village Khadoli and committed sexual intercourse with her against her will and accused – Manoj Kumar has assisted him in abduction and rape.
- (7) Counsel for the applicant No.1 submits that the applicant No.1 has not committed any offence, in fact main allegation of rape against co-accused – Ramkumar, who has kidnapped the minor girl and committed sexual intercourse with her; and only allegation against the applicant - Netram is that he suggested co-accused Ramkumar to change his mobile sim otherwise he will be arrested by the police through the network of his mobile phone and, therefore, at the best offence under Section 212 of the Indian Penal Code is made against the applicant- Netram. He further submits that the applicant is in jail since 30.07.2015; and the charge sheet has already been filed and, therefore, the

applicant – Netram may be released on bail.

(8) On the other hand, learned counsel for the State opposes the bail application.

(9) I have heard the counsel appearing for the parties and perused the case diary.

(10) Taking into consideration the facts & circumstances of the case; role of the applicant No.1- Netram in the crime in question; and the main allegation is against the co-accused Ramkumar and accused – Manoj Kumar and the facts that applicant No.1 is in jail since 30.07.2015; and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant - Netram on bail. Accordingly, the application is allowed.

(11) Accused/applicant – Netram is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

