

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6676 of 2015

Prem Kumar @ Pappu Banjare, S/o. Baisakhu Ram Banjare, Aged About 25 Years, R/o. Village Beltukari, P.S. Masturi, Civil & Revenue Distt. Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Masturi, Civil & Revenue Distt. Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Ms. Vijay Laxmi Soni, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.146/2015 registered at Police Station Masturi, District Bilaspur (C.G.) for the offence punishable under Section 354(a), 306, 34 of the Indian Penal Code and Section 11, 12 of the Protection of Children from Sexual Offences.
2. Case of the prosecution, in brief, is that the applicant alongwith other co-accused extended threat to the victim/deceased that they will commit rape and thereafter the victim committed suicide by set herself ablaze.
3. Learned counsel for the applicant submits that threat was extended in the morning and the incident of burn had happened in the evening, therefore, in between the period there was enough time to lodge any other report, which has not been made,

therefore, it cannot be assumed that the applicant has abated the deceased to commit suicide. It is further submitted that even the record of the mobile is not clear; consequently, it cannot be stated that the applicant has committed the crime; therefore he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as per the statement of the father, mother and independent witness Maniram Bajari, the commission of offence has been established.
5. I have heard learned counsel for the parties and perused the case diary.
6. I have perused the case diary and the statement of the witnesses wherein it is stated that threat was extended to the victim. The case diary also contains dying declaration of the deceased wherein for the reason of extension of threat it is stated that suicide is committed. Therefore, considering the statement of the witnesses and evidence available on record against this applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge