

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5781 of 2015

1. Kapil Solanki, S/o. Jairam Solanki, aged about 26 years, R/o. Krishnaganj, near Vijayson Mandir, Sagar, P.S. Gopalganj, District – Sagar, at present residing at Gujratipara, house of Nanki Sonkar, Raigarh, Tahsil and District Raigarh (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station City Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashish Gupta, Advocate
For Respondent/State	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.426/2015, registered at Police Station – City Kotwali, District Raigarh (C.G.) for the offence punishable under Section 365, 294, 506, 323/34 of Indian Penal Code and Section 4 & 5 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the present applicant and other co-accused persons assaulted the victim and he was kidnapped and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that in fact co-accused in this case namely, Ankit Gorakh was brutally assaulted and beaten, by which he suffered head

injury and was admitted in the hospital, in which Crime No.424/2015 was registered in the Police Station City Kotwali, Raigarh against Sajji Philip, victim in this case and others and they have been charged for the various offences. He would further submit that similarly placed other co-accused namely Bhola @ Raju Pratap has been released on regular bail in M.Cr.C. No.3912/2015 on 20.08.2015 by the Co-ordinate Bench of this Hon'ble Court. Therefore, prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that similarly placed co-accused has been enlarged on bail by the Co-ordinate Bench of this Court, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge