

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6762 of 2016

Sanjeev Kumar S/o Santosh Chandrakar, Aged About 20 Years R/o Behind
State Bank Of India Belha, Police Station Belha, District Bilaspur,
Chhattisgarh. **---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Chhawani, District
Durg, Chhattisgarh. **---- Respondent**

For Applicant	:	Mr. Goutam Khetrapal, Advocate
For Respondent/State	:	Mr. Manish Nigam, Panel Lawyer

And

MCRC No. 6810 of 2016

Raja @ Lalit Matre S/o Dev Kumar Matre Aged About 20 Years R/o Village -
Ghursena, Police Station - Nandghat, District - Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station - Chhawani, District - Durg,
Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sandeep Yadav, Advocate
For Respondent/State	:	Mr. Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/11/2016

Heard.

1. Learned counsel for the applicant -Raja @ Lalit Matre seeks to withdraw this application at this stage.

2. Accordingly, the application of applicant- Raja @ Lalit Matre is dismissed as withdrawn.

3. The applicant-Sanjeev Kumar has been arrested in connection with Crime No.760 of 2015 (wrongly mentioned as 360/2015 in impugned order) registered in Police Station- Chhawani, District -Durg (C.G.) for the alleged commission of offence under Section 363, 366, 376 of IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.

4. Case of the prosecution is that the prosecutrix minor in age was kidnapped by the applicant and it is alleged that thereafter accused Raja @ Lalit Matre committed rape on her.

5. Learned counsel appearing for the applicant-Sanjeev Kumar as far as the applicant is concerned, there is no allegation of he having played any role in the alleged commission of offence under Section 376 of IPC and Section 3 & 4 of the POCSO Act because even according to the prosecutrix, the present applicant had left the prosecutrix and co-accused and came back. All the allegations of commission of sexual intercourse are only after the present applicant came back.

6. On the other hand, learned counsel for the State has opposed the bail application and submits that as the applicant has also accompanied the prosecutrix and co-accused Raja @ Lalit Matre, he is equally involved in the alleged commission of offence.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the alleged role played by the Sanjeev Kumar and further taking into consideration that the investigation is complete, charge sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, the application is allowed.

8. It is directed that the applicant -Sanjeev Kumar shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall 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/-
(Manindra Mohan Shrivastava)
Judge

Rekha