

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7642 of 2015

1. Ganesh Katwal, S/o. Radhakant Katwal, aged about 22 years,
2. Radhakant Katwal, S/o. Late Ranvir Katwal, aged about 40 years,
3. Umakant @ Ramakant Katwal, S/o. Ranvir Katwal, aged about 35 years,
4. Rakesh Katwal, S/o. Ranvir Katwal, aged about 33 years,

All the applicants are resident of Shikari Road, Bouripara, P.S. Ambikapur, District – Surguja (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Ambikapur, District – Surguja (C.G.)

---- Respondent

For Applicants : Mr. Sunil Tripathi, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/01/2016

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 applicants who have been arrested in connection with Crime No.600/2015, registered at Police Station – Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 294, 506, 323, 509, 34 of Indian Penal Code and Section 12 of Protection for Child from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 23.10.2015, the victim who was aged about 14 years was celebrating the Karma festival alongwith the family members at that time, the applicant, Ganesh Katwal, depicted some obscene gesture, which lead to dispute and altercation between the family members. Consequently, the report was made.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that the victim has been examined before the Court and she has not supported the case of the prosecution and the complainant has also entered into the compromise, therefore, the counsel prays that the applicants may be enlarged on.
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. Perused the statements of the victim (PW-1) and Sanjay (P.W.-2), wherein they have not supported the case of the prosecution. Taking into such statement without any observation on merits, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

(Goutam Bhaduri)
Judge