

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3559 of 2016

Vishnu Singh Netam, aged 19 years, S/o. Sher Singh Netam, R/o. Bandhwapara Sarkanda, P.S. Sarkanda, Tahsil and Civil & Revenue District Bilaspur (C.G.), Permanent R/o. Amreyapara, Korba, District – Korba (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – Sarkanda, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Rajendra Kumar Patel, Advocate
For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

25/07/2016

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.459/2015, registered at Police Station- Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that the victim/girl who is minor was enticed by the co-accused, Raju @ Onkar, thereafter, she was subjected for forceful intercourse and while in the company of Raju @ Onkar one time the victim wanted to go to Korba and this applicant given all support to go to Korba and left her at the bus stand.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the main allegation of rape is against Raju @ Onkar and only allegation against this applicant is that he has assisted. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 22.09.2015, therefore, counsel 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 for the parties.
6. Perused the statement of the prosecutrix. Taking into her statement recorded under Section 161 and 164 of Cr.P.C., the main allegation of rape is attributed to other accused. Taking into role played by this applicant, 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