

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3418 of 2016

Narendra Kumar Sahu @ Dr. Naresh, S/o. Umrao Sahu, Aged About 36 Years, R/o. Village Jugdehi, Police Station Bhakhara, Civil & Revenue District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Rakhi, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P.Sahu, Advocate.

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.07.2016

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.64/2015 registered at Police Station- Rakhi, District Raipur (C.G.) for the offence punishable under Section 376, 315, 302, 323, 498-A, 494, 496, 450, 294, 506-B, 120-B & 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that out of the relation with Lala Yadav a child was born and thereafter meeting was convened in the village wherein Lala Yadav was directed to marry the prosecutrix though he was earlier married. Subsequently, when the child was born, one Ramesh Yadav had killed the child within one hour of the birth and the present applicant alongwith other co-accused has buried the child, therefore, the offence is committed.

3. Learned counsel for the applicant would submit that only allegation against this applicant is that he was accompanied with the other co-accused and the complaint was filed under Section 156(3) of Cr.P.C. therefore the applicant has been falsely implicated. He further submits that the main allegation against this applicant is that when the child was born, it was killed by Ramesh Yadav and the present applicant and one Dinesh Yadav took the child and buried him. He therefore submits that considering the role played by this applicant and the fact that the applicant is in jail since 15.03.2016, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and statement. Perusal of the documents would show that though the allegations are attributed that the child was throttled by Ramesh but no evidence is on record with respect to such fact, therefore, taking into the allegation against this applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge