

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5377 of 2016

Raj Kumar @ Umesh Netam, S/o. Laluram Netam, Aged About 22 Years,
R/o. Village Pathridih (Kukrel), (wrongly mentioned as Pagra Para,
Kurridih in the cause title), Tahsil- Nagari, District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -
Narharpur, District : Uttar-Bastar, Kanker, Chhattisgarh

---- Respondent

For Applicant : Mr. Abhishek Sharma, Advocate

For Respondent : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.09.2016

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.167/2015 registered at Police Station- Narharpur, District Uttar-Bastar, Kanker (C.G.) for the offence punishable under Section 363, 366, 376, 493, 506, 34 of Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the victim girl that the co-accused Ramnath contacted her on the phone and she met her and thereafter in the year 2014 he committed forceful sexual intercourse. Subsequently, again the other co-accused called the victim on the phone and when she went there, the other co-accused Ramnath alongwith this applicant took forcefully the girl to Dhamtari wherein Ramnath committed forceful sexual intercourse; thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the entire allegations have been attributed to the other co-accused Ramnath and no sexual assault has been alleged against this applicant. He further submits that the applicant has been falsely implicated and he has not committed any overt act and the charge sheet in this case has been filed, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of the prosecutrix. Taking into the facts and circumstances of the case, considering the degree of allegation leveled against the applicant and the fact that sexual assault has not been attributed to 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 surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge