

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5697 of 2016

- Milan Rao @ Chintu S/O B. Durga Rao Aged About 24 Years Presently R/O - Boirdadar, Malideepa, Raigarh, Police Station - Chakradhar Nagar, Tah. - Raigarh, District Raigarh Chhattisgarh, Permanent R/O. Village - Baliguda, Distt. - Kandhmaal (Odisha)

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Chakradhar Nagar, Distt. Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Amit Sharma, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-09-2016

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 on 2-8-2016 in connection with Crime No. 196 of 2016, registered at Police Station Chakradhar Nagar, District Raigarh (CG) for the offence punishable under Sections 342, 326, 324, 506/34 of the IPC.
2. As per prosecution case, 2-8-2016 victim Ahilesh Yadav aged about 11 years was detained in the room and his hands and legs were tied with rope and subsequently present applicant along with other co-accused persons caused burn injuries on different parts of the body of the victim by way of iron water jug (kundi) after getting it heated.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, compromise has been affected between father of the complainant and the applicant and one of the co-

accused is minor Raju has been enlarged on bail by Juvenile Court, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the victim Akhilesh Yadav aged about 11 years recorded under Sections 161 and 164 of the Cr.P.C., and also the medical report wherein it is stated that he sustained burn injuries. The statement also supports the commission of offence.
7. Taking into consideration facts and circumstances of the case, nature and gravity of the offence and further considering the statements of the victim who is aged about 11 years and also the medical report, this court is not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.
9. It is unfortunate to note that even after the order was passed, learned counsel for the applicant refused to leave the dias of Court despite the other case was called the counsel insisted that liberty should be granted to repeat the bail application after material witnesses are examined. Such conduct certainly amounts to interference with the proceedings of the court to dispense justice. Such behaviour by a member of bar is uncalled for.

Sd/-

(Goutam Bhaduri)

Judge

Raju