

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6983 of 2016

Daman Sahu S/o Dayalu Sahu Aged About 19 Years R/o Village Aatargaon,
Police Station Dongergaon, Civil & Revenue District Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Dongergaon, District
Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Rakesh Thakur, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/11/2016

Heard.

1. The applicant has been arrested in connection with Crime No. 255 of 2016 registered in Police Station- Dongergaon, District- Rajnandgaon (C.G.) for the alleged commission of offence under Sections 452, 354-A, 294, 323, 506 read with Section 34 IPC and Sections 4 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that co-accused Ramprasad entered the house of the prosecutrix and outraged her modesty. The allegation against the applicant is that the applicant was standing outside the house of the prosecutrix and he is also involved because he had accompanied co-accused who entered the house of the prosecutrix and outraged her modesty.
3. Learned counsel for the applicant submits that as far as present applicant is concerned, he is involved only on the ground that he had also accompanied other accused. He submits that the applicant has even not entered the house of

the prosecutrix. If some kind of overt act has been committed by the co-accused, the applicant cannot be held responsible. He submits that the applicant is in jail since 19.9.2016 and no further custodial interrogation is necessary looking to the nature of the allegation against him. Therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that while the co-accused entered the house of the prosecutrix and outraged her modesty, applicant had accompanied him and according to the allegation, he was standing outside the house of the prosecutrix.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the nature and extent of role alleged to be played by the applicant and that further custodial interrogation of the applicant does not appear to be necessary, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge