

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6984 of 2017

Manish Pandey @ Jheenu S/o Lalji Pandey, Aged About 27 Years Occupation Plumber, R/o Labour Colony, Jutmil, Raigarh, Tahsil & District Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Raigarh, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashish Gupta, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

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

Order On Board

30/11/2017

Heard.

1. The applicant has been arrested in connection with Crime No.274 of 2017 registered at Police Station- City Kotwali, Raigarh, District Raigarh (C.G.) for the alleged commission of offence under Sections 376(2)(g), 342, 365, 394, 323, 506 of IPC.
2. Case of the prosecution, in brief, is that the applicant and other co-accused committed rape on the prosecutrix.
3. Learned counsel for the applicant submits that the applicant is in jail since 24.05.2017, investigation is complete, charge sheet has been filed. According to learned counsel for the applicant, in the FIR or in the diary statement, the prosecutrix has not alleged that the applicant committed rape on her. He would submit that the trial Court has also framed charges against the

applicant for commission of offences other than 376 IPC. Lastly, it is submitted that other co-accused of the case namely Banti Singh and Rajesh Setthi @ Butaru have been granted bail by this Court.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that there are serious allegation against the applicant and other co-accused that they are taken the girl to a particular place and it is alleged that she is subjected to rape and even if charges have not been framed for commission of rape against the applicant, considering that the applicant was involved with other accused, the applicant may not be granted bail.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that in the case of the prosecution, it was never alleged that the applicant committed rape and further that while framing charge, the applicant is not alleged to commit offence under Section 376 of IPC and co-accused Banti Singh and Rajesh Setthi @ Butaru have already been granted bail by this Court, 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.25,000/- along with two local sureties 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