

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1303 of 2017

- Babulal Nishad S/o Pachkaud Nishad, Aged About 22 Years R/o Village Khairkhut, Police Station Dharsiwa, Raipur, District- Raipur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station Dharsiwa, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. K.K. Dewangan, Advocate

For Respondent/State : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

7-3-2017

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 20-1-2017 in connection with Crime No. 26 of 2017, registered at Police Station Dharsiwa, District Raipur (CG) for the offence punishable under Sections 366, 506, 365/34 of IPC.
2. Case of the prosecution, in brief, on 19-1-2017 a report was made by the complainant Kirti Nishad that on 18-1-2017 when her husband went to paddy collection centre, at about 12.00 pm one Prahlad Verma came to her house along with other co-accused and called her through mobile phone. When she came out, the other co-accused threatened her and thereafter forcibly took her on motor-cycle to Bhatapara Nagargaon and kept her in the house of her aunt. Thereafter, on 19-1-2017 she was left at Dharsiwa.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he has not

committed any offence, no role has been played by the applicant and only on the statement of the victim, the applicant has been falsely inculpated in this case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 20-1-2017 and no further investigation is required, therefore, he may be released 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, perused the case diary and documents.
6. Perused the statement of the victim girl, who is a married lady and she went along with Prahlad Verma.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the present applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 20-1-2017, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju

