

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1907 of 2017**

- Santosh Jain S/o Shri Mangraj Jain Aged About 31 Years R/o Sonpur Road, District Narayanpur, District Narayanpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The District Magistrate, Narayanpur, Chhattisgarh Through Police Station- Narayanpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri MK Bhaduri, Advocate
For Respondent/State	: Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06.4.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.14/2015 registered in Police Station Narayanpur, Distt. Narayanpur for the offence punishable under Sections 363, 370, 371, 34 of the Indian Penal Code, under Section 3(1)(vi) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 14(1) of the Child Labour (Prohibition and Regulation) Act, 1986.

3. Learned counsel for the applicant submits that the applicant is in jail since 26.02.2017, charge sheet has been filed, the matter is pending before Special Judge under the Atrocities Act as

Special ST No.24/2017, the absconding co-accused has filed an application under Section 438 of the Cr.P.C, which is pending for consideration, the applicant is falsely implicated in the matter and no case of aforementioned penal sections is made out against the present applicant. He has not abducted the victim and her sister both minor. After the incident, neighbour informed the parents of the victim regarding injury sustained by the victim, the incident happened on 20.01.2015, and father of the victim lodged report on 31.01.15 at Narayanpur. The concerned Electricity Distribution Company gave Rs.2 lakh compensation to the victim as the said company failed to maintain high tension wire which came into contact with the victim. There is no criminal history of the applicant. The accident occurred due to failure in maintenance on the part of the electricity department, hence the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that the victim remained in hospital from 01.02.2015 to 17.3.2015. Both the hands of the victim, aged about 12 years, were amputated. In the FIR, statement under Section 161 of the Cr.P.C , father of the applicant stated that entire facts regarding abduction, human trafficking and offence in respect of other penal part. Hence, the instant application may be dismissed.

5. Perused the material.

6. In the instant matter the trial is not yet commenced. The incident is of 20.01.2015, present applicant was arrested on 26.02.2017, about two years after the incident, and other co-accused is still absconding. There are enough material in the charge sheet regarding penal part for which the police has filed charges against the applicant and the absconding accused. On due consideration of the entire material, I am not inclined to allow the application.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE