

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5516 of 2017**

Sadhan Kundu S/o Jatin Kundu, Aged About 31 Years R/o P V 99,
Goutam Nagar, Police Station Bande, District- North Bastar,
Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Bande, District- North Bastar, Chhattisgarh.

---- Respondent

For the Applicant : Shri N.K. Chatterjee, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.28 of 2017, registered at Police Station – Bande, District – North Bastar, Chhattisgarh for the offence punishable under Sections 354(A) (B) (C)/ 34 of the Indian Penal Code, Sections 8, 12 and 14 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 67(A) of the Information Technology Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 10.5.2017 and the applicant has been falsely implicated in this case. The case has been investigated and the charge-sheet has been filed against him. On the basis of the material available in this case, no case is made out

against the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the offences registered against the applicant and the allegations made are of serious nature having consequences detrimental to the interest of the victim in this case. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case against the applicant, the date of incident is 24.1.2017 whereas the FIR was lodged on 10.5.2017. It is alleged that the applicant abducted the minor victim by allurement and by performing a fake marriage, physically abused the victim by using force on her. In the meanwhile, the applicant made a video recording from his mobile phone and on the basis of that he started threatening the victim to marry him, otherwise he would defame her by posting the video in the social media. The case has been investigated and the charge-sheet has been filed.

6. Considering the submissions made and the contents of the case diary and looking to the fact that no such obscene material in electronic form has been found to be seized in the investigation of this case, on the basis of which, the applicant had been threatening the victim to defame her and also the fact that the FIR was lodged after passing of four months from the date of incident and further, taking into consideration the fact that the applicant is

in jail since 10.5.2017, the application of the applicant deserves to be allowed.

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

8. It is directed that the applicant shall be released on bail on 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, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge