

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1831 of 2017

- Raju Datta S/o Rajesh Datta, Aged About 30 Years R/o Parwati Nagar, Police Station- Pandari, Raipur, District- Raipur (Revenue & Civil District- Raipur) Chhattisgarh.

---- Petitioner

Versus

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

---- Respondent

For Applicant : Mr. Pradeep Singh Rathore,, Advocate

For Respondent/State : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

7-4-2017

1. This is second 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 3-8-2016 in connection with Crime No. 206 of 2016, registered at Police Station Pandri, District Raipur (CG) for the offence punishable under Sections 394, 365/34 of the IPC.
2. As per the prosecution case, on 02.08.2016 complainant Vikcky Vedkar was sitting on road along-with a girl. At that time, the present applicant along with Ashok Mandal and Shankar Behra came there, assaulted the victim and accused Ashok snatched the key of motorcycle and applicant Raju assaulted the girl and they forcibly made the girl to sit on the motorcycle. Thereafter, the accused took the girl to a lone place where the girl taking the advantage of darkness fled away. It is alleged that the present applicant sat on the motorcycle behind the girl while the girl was being forcibly taken away, thereby the offence has been committed.

3. Learned counsel appearing for the applicant would submit that this is second bail petition, earlier first bail petition was dismissed on merits on 29-11-2016. He would further submit that the victim girl has been examined as PW/2 and she has not made any allegation against the present applicant and main allegation is attributed to one Ashok Mandal. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 3-8-2016 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 victim girl (PW/2) wherein no positive allegations are attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statement of victim girl (PW/2), without further observation on the merits of the case, I am 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