

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2164 of 2017

Umesh Sharma S/o Late Ramavtar Sharma, Aged About 49 Years R/o Baradwar, Ward No. 7, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Korba, Out Post Rampur, District Korba Chhattisgarh

---- Respondent

For Applicant : Shri S.S. Masih, Advocate
For State : Shri D.R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/05/2017

1. Heard.
2. This is third bail application under Section 439 of Cr.P.C. First and second bail applications have been dismissed as withdrawn. The applicant has been arrested in connection with Crime No. 211/2016 registered in Police Station Kotwali, Korba, Out Post - Rampur, District Korba (C.G.) for the alleged commission of offence under Sections 373, 376(2)(n) of IPC and Section 5(th), 6 of Protection of Children for Sexual Offence Act, 2012 and Section 75 of the Juvenile Justice (Care & Protection of Children) Act, 2015.
3. Case of the prosecution, in brief, is that the applicant and other co-accused have sexually assaulted the prosecutrix , who is minor and raped also.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated by the prosecution. Applicant has been implicated only on the basis of apprehension without his involvement in the offence. He further submits that the prosecutrix has been examined during trial and she has not supported the case of prosecution in so far as the present applicant Umesh Sharma is concerned, the prosecutrix did not identify the applicant in the Court and has not made any allegation of overt act by the present applicant, therefore, applicant may be granted bail.

5. On the other hand, learned counsel for the State has opposed the bail application. He submits that according to the case of prosecution, witnesses many in number are yet to be examined, therefore, and the applicant may abscond.
6. Considering the submissions made by learned counsel for the parties, particularly that the prosecutrix has not even identified the applicant during course of proceedings and that the applicant is in jail since 11/08/2016 and the applicant is not likely to abscond or temper with the prosecution witnesses, I am inclined to enlarge the applicant on bail.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety 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